

Majority Staff Report

# AN INVESTIGATION OF THE ETHICS CHALLENGE AT THE SUPREME COURT



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## EXECUTIVE SUMMARY

### A. The Senate Judiciary Committee's Investigation

On April 6, 2023, *ProPublica* published the first of several major exposés revealing extensive allegations of apparent ethical misconduct by sitting and former justices of the Supreme Court of the United States.<sup>1</sup> Following the publication of this article, Senator Richard J. Durbin, Chair of the Senate Judiciary Committee, again renewed his call for the Supreme Court to adopt an enforceable code of conduct<sup>2</sup>—a step he first advocated over 12 years ago on February 13, 2012, with then-Chairman Patrick Leahy and Senators Sheldon Whitehouse, Al Franken, and Richard Blumenthal.<sup>3</sup> Chair Durbin also directed his staff to begin this investigation.

This investigation has involved Committee oversight requests, open-source research, and other investigative methods. The Committee made oversight requests to the following individuals, holding companies, and organizations:

- Harlan Crow: May 8, 2023
- Holding companies controlled by Mr. Crow that own his private jet, his superyacht (the *Michaela Rose*), and Topridge Camp (a 105-acre property located on Upper St. Regis Lake, New York)
  - HRZNAR LLC: May 8, 2023
  - Rochelle Marine LTD: May 8, 2023
  - Topridge Holdings, LLC: May 8, 2023
- Leonard Leo: July 11, 2023
- Paul Singer: July 11, 2023
- Robin Arkley, II: July 11, 2023
- The Supreme Court Historical Society: July 11, 2023
- David Sokol: September 13, 2023
- Paul Anthony Novelly: September 13, 2023

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<sup>1</sup> Joshua Kaplan, Justin Elliott & Alex Mierjeski, *Clarence Thomas and the Billionaire*, PROPUBLICA (Apr. 6, 2023), <https://www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow>.

<sup>2</sup> Office of Senator Richard J. Durbin, Press Release, Durbin Statement on Reports of Justice Clarence Thomas' Acceptance of Undisclosed Luxury Gifts from Republican Megadonor (Apr. 6, 2023), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-statement-on-reports-of-justice-clarence-thomas-acceptance-of-undisclosed-luxury-gifts-from-republican-megadonor>.

<sup>3</sup> Letter from the Honorable Patrick Leahy, Chairman, Senate Committee on the Judiciary, *et al.* to the Honorable John Roberts, Chief Justice, U.S. Supreme Court (Feb. 13, 2012), Appendix A, Key Document A.

The Supreme Court Historical Society complied with the Committee's requests<sup>4</sup> and subsequently updated its productions.<sup>5</sup> Mr. Novelty substantially complied with the Committee's requests.<sup>6</sup> Mr. Singer and Mr. Sokol made baseless arguments objecting to the Committee's legitimate oversight authority, but nevertheless partially complied with the Committee's requests.<sup>7</sup> Mr. Leo and Mr. Arkley rejected the Committee's requests in their entirety, relying on baseless arguments objecting to the Committee's legitimate oversight authority.<sup>8</sup> Mr. Crow, on behalf of himself and his holding companies, also rejected the Committee's requests and publicly made similar objections, but privately proposed a limited production to the Committee, which the Committee found insufficient.<sup>9</sup>

Due to the noncompliance of Mr. Leo, Mr. Arkley, Mr. Crow, and Mr. Crow's holding companies, Chair Durbin requested that the Committee provide him subpoena authority to compel their responses.<sup>10</sup> The day before the Committee's consideration of this subpoena

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<sup>4</sup> Letter from W. Neil Eggleston, Kirkland & Ellis LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Federal Courts, Oversight, Agency Action, and Federal Rights Subcommittee [hereinafter Courts Subcommittee] Chair, Senate Committee on the Judiciary, on behalf of the Supreme Court Historical Society (Aug. 7, 2023), Appendix D, Key Document B; Letter from W. Neil Eggleston, Kirkland & Ellis LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of the Supreme Court Historical Society (Sep. 6, 2023), Appendix D, Key Document C.

<sup>5</sup> Letter from W. Neil Eggleston, Kirkland & Ellis LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of the Supreme Court Historical Society (Jul. 1, 2024), Appendix D, Key Document D.

<sup>6</sup> Letter from Dennis J. Block, Greenberg Traurig, LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Anthony Novelty (Sep. 21, 2023), Appendix H, Key Document B; Letter from Dennis J. Block, Greenberg Traurig, LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Anthony Novelty (Oct. 31, 2023), Appendix H, Key Document C.

<sup>7</sup> Letter from Robert K. Kelner & Nick Xenakis, Covington & Burling LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Singer (Aug. 14, 2023), Appendix F, Key Document B; Letter from Matthew Schneider, Honigman LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of David Sokol (Sep. 27, 2023), Appendix I, Key Document B.

<sup>8</sup> Letter from David B. Rivkin, Baker Hostetler LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Leonard Leo (Jul. 25, 2023), Appendix G, Key Document B; Letter from Samuel E. Clark, Erickson & Sederstrom PC, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Robin P. Arkley, II (Jul. 25, 2023), Appendix E, Key Document B; Letter from Samuel E. Clark, Erickson & Sederstrom PC, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Robin P. Arkley, II (Oct. 18, 2023), Appendix E, Key Document D; Letter from David B. Rivkin, Baker Hostetler LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Leonard Leo (Oct. 19, 2023), Appendix G, Key Document D.

<sup>9</sup> Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (May 22, 2023), Appendix C, Key Document E; Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 5, 2023), Appendix C, Key Document J; Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Oct. 19, 2023), Appendix C, Key Document L.

<sup>10</sup> See Revised Agenda, Executive Business Meeting, Senate Committee on the Judiciary (Nov. 2, 2023), <https://www.judiciary.senate.gov/committee-activity/hearings/10/26/2023/executive-business-meeting>.

authorization, Mr. Arkley complied with the Committee’s request and made a production Chair Durbin deemed sufficient.<sup>11</sup> On November 30, the Senate Judiciary Committee authorized Chair Durbin to issue subpoenas to Mr. Leo, Mr. Crow, and Mr. Crow’s holding companies.<sup>12</sup> On January 4, 2024, Chair Durbin provided Mr. Leo, Mr. Crow, and Mr. Crow’s holding companies a final opportunity to comply with the Committee’s requests before utilizing compulsory process.<sup>13</sup> Following negotiations with representatives for Mr. Crow, Mr. Crow and his holding companies obliged and, following negotiation, made a production to the Committee on June 6, 2024, which Chair Durbin deemed sufficient.<sup>14</sup> Mr. Leo continued to reject the Committee’s requests, prompting Chair Durbin to subpoena Mr. Leo for the requested documents and records on April 11, 2024.<sup>15</sup> Mr. Leo failed to comply with the subpoena.

This report summarizes the findings of the Senate Judiciary Committee Majority Staff to date, including the information produced by the individuals, holding companies, and organizations detailed above. It also provides historical context for alleged misconduct by Supreme Court justices over the last several decades and explains the lack of adequate guardrails to prevent and police this misconduct.

This report does not include any direct testimony from Chief Justice John Roberts, whose Court has been embroiled in an ethical crisis of its own making for well over a decade. The impetus for the February 13, 2012 letter referenced above was the 2011 Year-End Report on the Federal Judiciary, which declared that “the Court has had no reason to adopt the [Judicial Conference’s] Code of Conduct through a formal resolution,”<sup>16</sup> despite “[t]he ethical conduct of the Supreme Court [being] under growing scrutiny” in 2011 due to “[q]uestions[] raised over Justice Clarence Thomas’s appearances before Republican-backed groups and his acceptance of favors from a contributor in Texas, Harlan Crow.”<sup>17</sup>

Twelve years have passed, and the same problem persists with some of the same offenders. But the public is now far more aware of the extent of the largesse certain justices have received and how these justices and their billionaire benefactors continue to act with impunity. On April 10, 2023, every Senate Judiciary Committee Democrat joined Chair Durbin to request that Chief Justice Roberts begin an investigation into this ethical misconduct on behalf of the

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<sup>11</sup> Letter from Samuel E. Clark, Erickson & Sederstrom PC, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Robin P. Arkley, II (Nov. 6, 2023), Appendix E, Key Document E.

<sup>12</sup> See Results of Executive Business Meeting, Senate Committee on the Judiciary (Nov. 30, 2023), <https://www.judiciary.senate.gov/download/2023-11-30-ebm-results>.

<sup>13</sup> Letter from the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, to Harlan Crow (Jan. 4, 2024) (on file with Committee); Letter from the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, to Leonard Leo (Jan. 4, 2024), Appendix C, Key Document M.

<sup>14</sup> Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 4, 2024), Appendix C, Key Document R.

<sup>15</sup> Subpoena Duces Tecum, Senate Committee on the Judiciary to Leonard Leo (Apr. 11, 2024), Appendix G, Key Document G.

<sup>16</sup> JOHN ROBERTS, U.S. SUP. CT., 2011 YEAR-END REPORT ON THE FEDERAL JUDICIARY 5 (2011), <https://www.supremecourt.gov/publicinfo/year-end/2011year-endreport.pdf>.

<sup>17</sup> Emmarie Huetteman, *Breyer and Scalia Testify at Senate Judiciary Hearing*, N.Y. TIMES (Oct. 5, 2011), <https://www.nytimes.com/2011/10/06/us/politics/breyer-and-scalia-testify-at-senate-hearing.html>.

Court.<sup>18</sup> On April 20, Chair Durbin asked Chief Justice Roberts to appear before the Committee to examine ways the Court could address this persistent problem.<sup>19</sup> Chief Justice Roberts refused to appear before the Committee, and, rather than investigate the misconduct consuming the Court, produced a nonbinding “Statement on Ethics Principles and Practices” that the justices purported to follow.<sup>20</sup> Over a year and several additional exposés later, Chief Justice Roberts continues to refuse to act or to appear before Congress to take any responsibility for the impropriety he has let persist in the highest court in the land.

## **B. Key Findings**

Chief Justice Roberts’s continued unwillingness to implement the only viable solution to the Court’s ethical crisis—an enforceable code of conduct—requires Congress to act to restore the public’s confidence in the highest court in the land. This report and its findings make clear that passage of the *Supreme Court Ethics, Recusal, and Transparency Act*, which was reported by the Senate Judiciary Committee on September 5, 2023, is a necessary step.

**FINDING 1: The Supreme Court has mired itself in an ethical crisis of its own making by failing to address justices’ ethical misconduct for decades.** Despite post-Watergate Congressional efforts to renew faith in all three branches of the federal government through ethics legislation, the Supreme Court has allowed a culture of misconduct to metastasize into a full-blown crisis that has driven public opinion of the Court to historic lows. Justices appointed by presidents of both parties have engaged in conduct that ranges from questionable to clearly violative of federal ethics laws, and several justices have done so consistently without suffering negative consequences.

**FINDING 2: Justice Scalia accepted lavish gifts from billionaires and others with business before the Court for more than a decade.** The late Justice Scalia regularly accepted luxury travel and lodging from wealthy benefactors and failed to report these gifts in his financial disclosures, in violation of federal law. He traveled on hundreds of subsidized trips, including several dozen hunting and fishing trips with prominent Republican donors and politicians, that he obfuscated by only disclosing the portions of the trips that related to his judicial duties.

**FINDING 3: Justice Scalia misused the “personal hospitality” exemption to the Ethics in Government Act to hide or obscure lavish gifts.** The Ethics in Government Act requires federal officials, including Supreme Court justices, to file financial disclosure reports. The law includes certain exemptions for what must be included in these reports, including a limited exemption for personal hospitality that applies only to food, lodging, or entertainment received from an individual. Justice Scalia regularly misused the personal hospitality exemption

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<sup>18</sup> Letter from the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, *et al.* to the Honorable John Roberts, Chief Justice, U.S. Supreme Court (Apr. 10, 2023), Appendix A, Key Document D.

<sup>19</sup> Letter from the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, to the Honorable John Roberts, Chief Justice, U.S. Supreme Court (Apr. 20, 2023), Appendix A, Key Document E.

<sup>20</sup> Letter from the Honorable John Roberts, Chief Justice, U.S. Supreme Court, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary (Apr. 25, 2023), Appendix A, Key Document H.



to improperly characterize travel-related gifts as reimbursements and failed to disclose transportation and trips in part or in whole.

**FINDING 4: Justice Thomas has accepted lavish gifts from billionaires with business before the Court for almost his entire tenure as a justice.** Since his confirmation to the Supreme Court in 1991, Justice Thomas has accepted millions of dollars in gifts from wealthy benefactors, several of whom had business before the Court, and nearly all of whom first met Thomas after he joined the Court. The number, value, and extravagance of the gifts accepted by Justice Thomas have no comparison in modern American history.

**FINDING 5: Justice Thomas chose to ignore legal obligations to disclose lavish gifts after media scrutiny over his disclosures in 2004.** During his early years on the Court, Justice Thomas disclosed some of the lavish gifts from billionaires and their corporate entities as required by law. However, following public reporting in 2004 about this extreme largesse, Justice Thomas stopped disclosing the vast majority of gifts he received. This change in Justice Thomas's behavior was not accompanied by any significant change in federal ethics law, and his failure to disclose gifts he received constitutes a violation of federal law.

**FINDING 6: Justice Alito misused the “personal hospitality” exemption when he did not disclose gifts of transportation and lodging he received for a luxury fishing trip to Alaska in 2008.** Justice Alito failed to properly report gifts of transportation and lodging he received for a 2008 luxury Alaskan fishing trip. Following investigative reporting on the trip, he wrote an opinion piece in *The Wall Street Journal* in which he defended his failure to disclose the gifts he received. Arguing that he was not required to report gifts of lodging or private jet transportation under the personal hospitality exemption, Justice Alito relied on flawed reasoning that illustrated his apparent misinterpretation of federal law and relevant rules and regulations relating to his ethics obligations. Justice Alito's failure to report gifts he accepted constitutes a violation of federal law.

**FINDING 7: Individuals seeking to influence the Court have used gifts to gain private access to the justices.** Gifts—particularly gifts of transportation and lodging—can be used to gain private access to Supreme Court justices. This private access can create the appearance of impropriety that justices must avoid in order to fulfill their judicial obligations. Individuals with business before the Court have given numerous gifts to organizations, political activists, and justices and their families as part of apparent efforts to gain private access to the justices. These apparent influence operations create the appearance of impropriety, even when they do not change justices' conduct.

**FINDING 8: Leonard Leo has made a career of advancing corporate and conservative movement interests by facilitating lavish gifts and private access to the justices.** For decades, Leonard Leo has connected conservative attorneys and activists with Republican-appointed justices and their families in an apparent effort to advance conservative causes. In addition to playing an outsized role in the selection and confirmation of every Republican-appointed justice over the past 20 years, Mr. Leo has directed money to organizations led by Justice Thomas's wife, Ginni Thomas. Mr. Leo also facilitated or participated in several undisclosed trips taken by Justices Scalia, Thomas, and Alito.

**FINDING 9: The justices regularly fail to identify obvious conflicts of interest that require their recusal under federal law.** Justices have repeatedly failed to identify conflicts of interest that they face in cases before the Court. These conflicts often involve the financial interests of justices, including real estate deals, publishing contracts, and stock ownership. Other conflicts are rooted in personal relationships between justices and their families and parties with interests before the Court. Contrary to their legal obligations, justices have repeatedly failed to recuse themselves from cases involving conflicts of interest due both to inadequate conflict-screening processes and willful refusal. These failures demonstrate the need for less subjectivity and more transparency in recusal determinations.

**FINDING 10: Justices treat their “duty to sit” as a license for the appearance of impropriety, rather than a constraint on their conduct.** Unlike district and circuit court judges, Supreme Court justices cannot be replaced by another sitting judge when they recuse, creating a prudential “duty to sit” unique to the justices. However, this “duty to sit” imposes an obligation on the justices to refrain from engaging in conduct that creates an appearance of impropriety—otherwise it can be used as a license to act with impunity. Despite this, several justices have engaged in conduct that creates the appearance of impropriety and refuse to recuse in cases involving the resulting conflicts of interest, citing their duty to sit as the justification.

**FINDING 11: Justice Alito has created the appearance of impropriety in several instances that necessitate his recusal in specific cases under federal law.** On several occasions, Justice Alito or his wife have engaged in conduct that created an appearance of impropriety. This included the display of flags associated with the January 6 insurrection outside their homes and his interview with an attorney who had a case pending before the Court. Despite the appearance of impropriety, Justice Alito refused to recuse himself from cases concerning the 2020 election and January 6 and the case involving the attorney who interviewed him.

**FINDING 12: Justice Thomas has violated federal law on multiple occasions by refusing to recuse himself in cases where his wife’s interests could be substantially affected by the outcome of the proceeding.** Justice Thomas’s wife, Ginni Thomas, is active politically and regularly works on issues being litigated before the Court and with the attorneys and parties who bring those issues before the Court. She was also involved in efforts to subvert the 2020 presidential election as part of the “Stop the Steal” movement, including direct engagement with Trump Administration and state legislative officials. Federal law prohibits a justice from hearing a case in which the justice’s spouse has any interest that could be substantially affected by the outcome of the proceeding. Despite the interests of Ms. Thomas in every case concerning the 2020 election and the January 6 insurrection, Justice Thomas has inappropriately participated in all but one such case before the Court.

**FINDING 13: The Judicial Conference has failed to enforce financial disclosure regulations and properly review financial disclosure reports of the justices.** The Judicial Conference of the United States and the Administrative Office of the U.S. Courts administer a range of ethics policies for the judiciary. For decades, the Judicial Conference has failed to adequately perform financial disclosure reviews, conduct investigations, and respond appropriately to ethical misconduct complaints against the justices. Although the Judicial

Conference has the ability to hold justices accountable for their ethics violations, it has not taken any meaningful steps to do so.

**FINDING 14: Having refused to address these myriad ethical issues, the Court has demonstrated its inability or unwillingness to police its own ethical conduct.** The Supreme Court has refused to investigate or cooperate in investigations into reported ethical misconduct by sitting justices. Any claim that the Court can adequately police itself is belied by the fact that the Court has not taken meaningful action to address ethical misconduct and no justice has faced consequences for unethical behavior—despite dozens of credible allegations of misconduct by multiple justices over decades. An enforceable code of conduct for the Supreme Court is essential in light of the Court’s failure to police itself.

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The Committee’s investigation demonstrates that the Supreme Court’s current approach to ethics is fundamentally flawed. These shortcomings stem from several issues: (1) the willingness of some justices to violate federal law governing ethical conduct; (2) decades of organizational failure by the Court and individual chambers to adequately prepare the justices’ financial disclosures or perform routine recusal reviews on pending matters; (3) decades of organizational failure by the Judicial Conference to adequately perform financial disclosure reviews; and (4) the abject failure of the Judicial Conference to treat ethical misconduct complaints against the justices seriously and conduct any—let alone thorough—investigations.

The Supreme Court is the highest court in the land, and as the head of the federal judiciary both figuratively and literally maintains the rule of law. Our system of government requires a Court that maintains the trust of the public. Yet, the Roberts Court has lost the confidence of the public. The public’s view of the Supreme Court hit a historic low in 2023 as reports of ethical misconduct by the justices were regularly published, and the Court repeatedly refused to acknowledge the problem or take meaningful steps to address it.<sup>21</sup> As of August 2024, a majority of the public continues to have an unfavorable view of the Court.<sup>22</sup> Yet, several justices reportedly continue to believe that voluntary compliance with a code of conduct with no enforcement mechanism is sufficient to address this crisis.<sup>23</sup> Their belief stands in stark contrast to all 50 states and the District of Columbia adopting “some mechanism for enforcing judicial codes of conduct and ethics rules” against the state supreme court justices or their equivalent.<sup>24</sup>

While the justices interpret the law, they are not above it. The Roberts Court has seemingly forgotten this, and the only way forward is the implementation of an enforceable code of conduct. Every day that the justices exercise the judicial power entrusted to them, they must

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<sup>21</sup> *Favorable views of Supreme Court edge up from 2023 but are still close to historic low*, PEW RSCH. CTR. (Aug. 8, 2024), <https://www.pewresearch.org/?p=184142>.

<sup>22</sup> *Id.*

<sup>23</sup> See Jodi Kantor & Abbie VanSickle, *Inside the Supreme Court Ethics Debate: Who Judges the Justices?*, N.Y. TIMES (Dec. 3, 2024), <https://www.nytimes.com/2024/12/03/us/supreme-court-ethics-rules.html>.

<sup>24</sup> OFFICE OF SENATOR SHELDON WHITEHOUSE, REPORT: JUDICIAL MISCONDUCT PROCEDURES IN ALL FIFTY STATES AND THE DISTRICT OF COLUMBIA 1 (Nov. 2024), <https://www.whitehouse.senate.gov/wp-content/uploads/2024/12/2024-11-26-Judicial-Ethics-50-State-Survey.pdf>.

conduct themselves in a manner that demonstrates they are worthy of the public's trust. They have failed to do so, and the state of the judiciary is worse for it.

## REPORT

### I. Modern History of Supreme Court Ethics

The modern American understanding of the ethical standard for the conduct of public officials, and the legal framework to enforce it, grew out of political scandals in the late 1960s and early 1970s. The most notable of these scandals was, of course, Watergate, which related to the Nixon Administration's involvement in the 1972 break-in at the Democratic National Committee headquarters and its subsequent efforts to conceal that involvement. Additionally, there were judicial scandals involving misconduct that likewise informed the legal framework imposed on justices and judges and helped illustrate clear red lines that should not be crossed.

#### A. The Resignation of Associate Justice Abe Fortas

In May 1969, Associate Justice Abe Fortas resigned from the Supreme Court following allegations of ethical impropriety. Fortas had served on the Court since 1965, when he was confirmed by the Senate by voice vote after President Lyndon Johnson nominated him to succeed Justice Arthur Goldberg. Fortas and Johnson had maintained a close relationship going back decades, and Fortas continued to advise Johnson on a variety of matters even after his appointment to the Court. In June 1968, Johnson nominated Fortas to replace Earl Warren as Chief Justice of the United States.

The nomination was controversial, due both to Fortas's liberal jurisprudence and his close relationship with Johnson. During the course of his nomination, it was revealed that Fortas had accepted \$15,000 for teaching a summer seminar at American University.<sup>25</sup> The arrangement was coordinated by Fortas's former law partner, Paul Porter, and the funds were provided by five business executives with corporate interests that could potentially come before the Court.<sup>26</sup> The teaching payment constituted nearly 40 percent of Fortas's \$39,500 annual salary as a Supreme Court justice.<sup>27</sup> Although his nomination was favorably reported by the Senate Judiciary Committee in September 1968, a subsequent failed cloture vote by the full Senate made it clear that Fortas did not have sufficient support to be confirmed, and Johnson withdrew the nomination. Warren Burger later replaced Earl Warren as Chief Justice in June 1969.

In May 1969, *Life* magazine published a story detailing an arrangement Fortas had entered into with financier Louis Wolfson.<sup>28</sup> Fortas had received a \$20,000 check in January 1966 from the philanthropic Wolfson Family Foundation in exchange for advising the foundation,<sup>29</sup> which would be the equivalent of \$197,823.90 in purchasing power today.<sup>30</sup> Under the terms of the arrangement, Fortas would also receive a \$20,000 retainer from the foundation every subsequent year, with Fortas's wife receiving the \$20,000 annual payment until her death

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<sup>25</sup> BRUCE ALLEN MURPHY, *FORTAS: THE RISE AND RUIN OF A SUPREME COURT JUSTICE* 498–502 (1988).

<sup>26</sup> *Id.* at 499–500.

<sup>27</sup> *See* ROBERT SHOGAN, *A QUESTION OF JUDGMENT* 192 (1972).

<sup>28</sup> *Id.* at 234–235.

<sup>29</sup> *Id.* at 196.

<sup>30</sup> According to the Bureau of Labor Statistics. *See* CPI Inflation Calculator from January 1966 to July 2024, U.S. BUREAU OF LABOR STATISTICS, <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=20%2C000.00&year1=196601&year2=202407>.

if Fortas predeceased her.<sup>31</sup> The payments to Fortas were not wholly unique or unprecedented; Fortas's fellow Associate Justice William O. Douglas received \$12,000 a year from another charitable organization.<sup>32</sup> However, Fortas's arrangement was complicated by the fact that Wolfson and his companies had been under investigation for several years by the U.S. Securities and Exchange Commission (SEC) for securities violations. Wolfson had approached Fortas's law firm in June 1965 for help with his legal issues.<sup>33</sup> Shortly thereafter, Wolfson encouraged Fortas to accept his Supreme Court nomination and offered to financially support Fortas if he was confirmed to the Court.<sup>34</sup> In 1966, the SEC referred multiple matters involving Wolfson to the Department of Justice for prosecution, and Wolfson was indicted and convicted on multiple charges between 1966 and 1968. Wolfson petitioned the Supreme Court for certiorari to review one of his convictions, but the Court rejected his petition in April 1969.<sup>35</sup> Fortas recused himself from the certiorari decision without explanation, although he generally recused himself from matters involving clients of his former law firm.<sup>36</sup>

Fortas had stopped advising Wolfson and the Wolfson Family Foundation in June 1966, and in December 1966, he returned the \$20,000 payment he had received earlier that year.<sup>37</sup> Fortas did not pay income tax on the \$20,000, and in late 1968, he explained to then-Attorney General Ramsey Clark that he had not paid taxes on the \$20,000 because he had received and returned the payment within the calendar year.<sup>38</sup> In early 1969, the Nixon Administration's Department of Justice launched an investigation of Fortas in light of the possibility that he had practiced law on Wolfson's behalf while serving as a justice or attempted to influence the prosecution of Wolfson.<sup>39</sup>

*Life* published its story on the \$20,000 check Fortas had received from the Wolfson Family Foundation on May 4, 1969.<sup>40</sup> On the same day the story was published, Fortas released a statement in response to the allegations, writing that he had returned the payment and denying that he had advised Wolfson or his associates after joining the Court.<sup>41</sup> The Justice Department continued to investigate Fortas and Wolfson, and Attorney General John Mitchell met with Chief Justice Warren on May 7 to discuss the investigation.<sup>42</sup> Between May 5 and May 14, members of Congress of both parties called for Fortas's resignation.<sup>43</sup> Fortas resigned from the Court on May 14. He remains the only Supreme Court justice to have resigned following allegations of impropriety.<sup>44</sup>

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<sup>31</sup> SHOGAN, *supra* note 27, at 195.

<sup>32</sup> *Id.* at 193–194.

<sup>33</sup> Bob Woodward, *Fortas Tie to Wolfson Is Detailed*, WASH. POST (Jan. 22, 1977), <https://wapo.st/4f6mokI>.

<sup>34</sup> SHOGAN, *supra* note 27, at 191–192.

<sup>35</sup> Alan M. Weinberger, *What's in a Name?—The Tale of Louis Wolfson's Affirmed*, 39 HOFSTRA L. REV. 645, 671 (2011).

<sup>36</sup> SHOGAN, *supra* note 27, at 224.

<sup>37</sup> *Id.* at 211–212.

<sup>38</sup> MURPHY, *supra* note 25, at 547; SHOGAN, *supra* note 27, at 218.

<sup>39</sup> SHOGAN, *supra* note 27, at 228.

<sup>40</sup> *Id.* at 235.

<sup>41</sup> Statement from Abe Fortas (May 4, 1969), <https://www.nytimes.com/1969/05/05/archives/fortass-statement-on-article-in-life.html>.

<sup>42</sup> SHOGAN, *supra* note 27, at 246, 248–249.

<sup>43</sup> *Id.* at 238–242, 256–257.

<sup>44</sup> *See id.* at 7.



## **B. Post-Watergate Government Ethics Movement**

In the decade that followed Fortas's resignation, and particularly in response to the Watergate scandal, Congress passed major reforms addressing government ethics and transparency, campaign finance, foreign bribery, governmental abuses of power, and exercises of presidential power. Key government ethics and transparency legislation included: the 1974 amendments to the Freedom of Information Act (FOIA); the Government in the Sunshine Act of 1976; the Inspector General Act of 1978; the Civil Service Reform Act of 1978; the Presidential Records Act of 1978; and the Ethics in Government Act of 1978 (EIGA).<sup>45</sup>

The EIGA was of particular significance for Supreme Court justices and other judicial officers and employees. One of the EIGA's stated purposes was "to preserve and promote the integrity of public officials and institutions."<sup>46</sup> The EIGA is discussed in greater detail in Section II.B.1, but the legislation notably established financial disclosure reporting requirements for many government officials and employees. Disclosure requirements and gift rules for individuals vary in part depending on the branch of government in which they work. Judicial officers, including Supreme Court justices, are subject to the EIGA and regulations administered by the Judicial Conference of the United States, as discussed in Section II.C; members of Congress and their staff are subject to the EIGA and rules administered by the House and Senate Ethics Committees, as well as the Office of Congressional Ethics in the House. As a result of the EIGA, Supreme Court justices, federal judges, and other covered filers are required to file publicly available financial disclosure statements that report income, gifts, and reimbursements, among other reportable items.

## **C. Modern Judicial Impeachment**

All federal judges, including the justices of the Supreme Court, "hold their office during good behavior."<sup>47</sup> This protection means that federal judges are free from removal except through impeachment and conviction.<sup>48</sup> Ten judicial impeachments occurred between the nation's founding and 1936. There was then a 50-year gap in judicial impeachments until the post-Watergate government ethics movement.<sup>49</sup> Since 1986, the House of Representatives has impeached five federal judges and the Senate has convicted four; one resigned from office prior to his Senate trial, leading to the dismissal of the case.<sup>50</sup>

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<sup>45</sup> Sam Berger & Alex Tausanovitch, *Lessons from Watergate: Preparing for Post-Trump Reforms*, CTR. FOR AMER. PROG. (Jul. 30, 2019), <https://www.americanprogress.org/article/lessons-from-watergate/>.

<sup>46</sup> Pub. L. 95-521 (Oct. 26, 1978).

<sup>47</sup> U.S. Const. Art. III, § 1, cl. 10.

<sup>48</sup> As a matter of historical practice, Congress has used impeachment as the mechanism to remove Article III judges for misconduct, but there is some debate on whether the Constitution permits other forms of removal for judges, who serve "during good behavior." See, e.g., Saikrishna Prakash & Steven D. Smith, *How to Remove a Federal Judge*, 116 YALE L. J. 72 (2016).

<sup>49</sup> *About Impeachment | Senate Trials*, U.S. SENATE, <https://www.senate.gov/about/powers-procedures/impeachment/impeachment-list.htm>.

<sup>50</sup> *Id.*

## **1. Harry E. Claiborne**

In 1984, district judge Harry E. Claiborne was convicted in federal court of falsifying his income tax returns. He was sentenced to two years in prison, but he did not resign his seat and he continued to collect his judicial salary.<sup>51</sup> The House unanimously voted to impeach Claiborne in July 1986. The Senate created a 12-member panel to hear evidence in the impeachment trial, and the panel reported its findings to the full Senate in October 1986. Later that month, the Senate voted to convict Claiborne, and he was removed from his judicial office.<sup>52</sup>

## **2. Alcee L. Hastings**

In 1981, district judge Alcee L. Hastings was indicted on conspiracy and obstruction of justice charges for soliciting a \$150,000 bribe in return for reducing the sentences of two convicted felons.<sup>53</sup> Hastings was acquitted in federal court in 1983 and continued to serve as a district judge. Subsequent investigations by a special committee of the Eleventh Circuit Court of Appeals led to the Judicial Conference informing the House of Representatives in March 1987 that Hastings should be impeached and removed from office.<sup>54</sup> In August 1988, the House overwhelmingly voted to approve 17 articles of impeachment against Hastings. The Senate again created a 12-member committee to hear evidence in the impeachment trial, and the committee reported its findings to the full Senate in October 1989. The Senate voted to convict Hastings later that month, and he was removed from his judicial office.<sup>55</sup> However, the Senate did not vote to disqualify Hastings from holding future office, and he later served as a member of the House of Representatives from 1993 until his death in 2021.

## **3. Walter L. Nixon**

In 1986, district judge Walter L. Nixon was convicted in federal court of making false statements before a federal grand jury.<sup>56</sup> He was sentenced to five years in prison, but he did not resign his seat and continued to collect his judicial salary. Following his conviction, the Judicial Conference forwarded a recommendation of impeachment to the House of Representatives.<sup>57</sup> In May 1989, the House unanimously voted to impeach Nixon. In November 1989, the Senate voted to convict Nixon, and he was removed from his judicial office.

## **4. Samuel B. Kent**

In February 2009, district judge Samuel B. Kent pleaded guilty to obstruction of justice charges after sexually abusing two female employees and lying to investigators.<sup>58</sup> In May 2009, Kent was sentenced to 33 months in prison. The House voted to impeach Kent in June 2009.

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<sup>51</sup> *Impeachment Trial of Judge Harry E. Claiborne, 1986*, U.S. SENATE, <https://www.senate.gov/about/powers-procedures/impeachment/impeachment-claiborne.htm>.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Walter L. Nixon*, LIBRARY OF CONG., <https://guides.loc.gov/federal-impeachment/walter-nixon>.

<sup>57</sup> *Id.*

<sup>58</sup> *Samuel B. Kent*, LIBRARY OF CONG., <https://guides.loc.gov/federal-impeachment/samuel-kent>.

Kent resigned from the bench later that month, thereby avoiding a Senate impeachment trial.<sup>59</sup> The articles of impeachment were dismissed in July 2009.

## **5. Thomas Porteous, Jr.**

In June 2008, the Judicial Conference informed the House of Representatives that consideration of impeachment of district judge G. Thomas Porteous, Jr. was warranted.<sup>60</sup> The certificate from the Judicial Conference noted substantial evidence that Porteous repeatedly committed perjury by signing false financial disclosure forms under oath and presided over litigation in violation of the federal recusal statute and ethical canons, among other instances of misconduct both before and during his tenure as a federal judge. In March 2010, the House unanimously voted to impeach Porteous. The Senate voted to convict Porteous in December 2010. He was removed from office and disqualified from holding future federal offices.<sup>61</sup>

## **6. Joshua Michael Kindred**

On May 23, 2024, the Judicial Council of the Ninth Circuit filed a judicial misconduct order against Judge Michael Kindred of the United States District Court for the District of Alaska for creating a hostile work environment for his law clerks by “engaging in unwanted, offensive, and abusive conduct,” for “having an inappropriately sexualized relationship with one of his law clerks during her clerkship and...while she practiced as an Assistant United States Attorney in the District of Alaska,” and for “deliberately” lying “to the Chief Judge, the Special Committee, and the [Judicial] Council” during his misconduct proceedings.<sup>62</sup> The Ninth Circuit Judicial Council certified to the Judicial Conference of the United States that Judge Kindred “engaged in conduct that might constitute one or more grounds for impeachment.”<sup>63</sup> Judge Kindred resigned when the internal investigation became public.<sup>64</sup> On August 22, the Judicial Conference’s Committee on Judicial Conduct and Disability affirmed the Ninth Circuit Judicial Council’s order.<sup>65</sup> On September 12, 2024, the Judicial Conference informed the House of Representatives that consideration of impeachment of Judge Kindred was warranted.<sup>66</sup>

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<sup>59</sup> *Id.*

<sup>60</sup> *G. Thomas Porteous, Jr.*, LIBRARY OF CONG., <https://guides.loc.gov/federal-impeachment/thomas-porteous>.

<sup>61</sup> *ArtII.S4.4.10 Judicial Impeachments*, U.S. CONST. ANNOTATED, [https://constitution.congress.gov/browse/essay/artII-S4-4-10/ALDE\\_00000697/](https://constitution.congress.gov/browse/essay/artII-S4-4-10/ALDE_00000697/).

<sup>62</sup> *In re Complaint of Judicial Misconduct*, No. 22-9012 (Jud. Council 9th Cir. 2024).

<sup>63</sup> *Id.* at 2.

<sup>64</sup> Tobi Raji, *Trump-appointed judge in Alaska resigns over sexual misconduct*, WASH. POST (Jul. 8, 2024), <https://www.washingtonpost.com/national-security/2024/07/08/alaska-judge-joshua-kindred-resign-misconduct/>.

<sup>65</sup> *In re Complaint of Judicial Misconduct*, C.C.D. No. 24-02 (U.S. Jud. Conf. 2024).

<sup>66</sup> Letter from the Honorable Robert J. Conrad, Jr., Secretary, Jud. Conf. of the U.S., to the Honorable Mike Johnson, Speaker, U.S. House of Representatives (Sep. 12, 2024) (enclosed with certificate executed September 10, 2024 certifying the Judicial Conference’s determination that impeachment might be warranted), Appendix A, Key Document Q.

## **II. Applicable Legal Requirements**

### **A. Constitutional Law Governing Judicial Ethics**

#### **1. Foreign Emoluments Clause (U.S. Const. Art. I, § 9, cl. 8)**

The Foreign Emoluments Clause of the U.S. Constitution provides that “no Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”<sup>67</sup> The prevailing understanding is that the Foreign Emoluments Clause applies to federal officeholders, including Supreme Court justices.<sup>68</sup> The Supreme Court’s Commentary to its *Code of Conduct*, discussed further in Section III.B, states that the justices comply with the U.S. Constitution, including the Foreign Emoluments Clause.<sup>69</sup>

### **B. Statutes Governing Judicial Ethics**

Several provisions of federal law govern ethical requirements for Supreme Court justices, including the below statutory provisions. This section provides an overview of the requirements concerning financial and gift disclosures, financial and gift restrictions, and recusal standards. It also summarizes the role the Judicial Conference of the United States plays in administering the disclosure system, addressing noncompliance with federal law, and referring misconduct to the U.S. Department of Justice.

#### **1. Ethics in Government Act (5 U.S.C. §§ 13101-13111, 13141-13145)**

The Ethics in Government Act of 1978 (EIGA) requires certain federal officials, including Supreme Court justices, to file financial disclosure reports.<sup>70</sup> The EIGA further specifies that, for judicial officers, the statute is subject to the rules and regulations of, and administered by, the Judicial Conference of the United States.<sup>71</sup> Among other reporting requirements, the EIGA requires covered individuals to report gifts worth more than a minimal value.<sup>72</sup> The reporting threshold for gifts is established under the EIGA, which in turn ties the threshold to a “minimal value” threshold for foreign gifts established by the Foreign Gifts and Decorations Act or a lower-value amount set by an employing agency.<sup>73</sup>

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<sup>67</sup> U.S. Const. Art. I, § 9, cl. 8.

<sup>68</sup> KEVIN J. HICKEY & MICHAEL A. FOSTER, CONG. RSCH. SERV., IF11086, THE EMOLUMENTS CLAUSES OF THE U.S. CONSTITUTION 1 (Jan. 27, 2021), <https://crsreports.congress.gov/product/pdf/IF/IF11086>.

<sup>69</sup> CODE OF CONDUCT FOR JUSTICES OF THE SUP. CT. OF THE U.S. 13 (Nov. 13, 2023) [hereinafter *Supreme Court Code of Conduct*], [https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices\\_November\\_13\\_2023.pdf](https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf).

<sup>70</sup> 5 U.S.C. app., § 101, 109.

<sup>71</sup> 5 U.S.C. app., § 503.

<sup>72</sup> 5 U.S.C. app., § 102.

<sup>73</sup> 5 U.S.C. app., § 102(a)(2)(A); 5 U.S.C. § 7342(a)(5). The amount for the “minimal value” is set by the General Services Administration in consultation with the Secretary of State, although employing agencies—in this instance, the Administrative Office of the U.S. Courts (which is supervised by the Judicial Conference)—may define a lower minimal value.

In April 2023, the Court noted that the justices “comply with the substance” of the Judicial Conference’s regulations for lower court federal judges relating to outside earned income, honoraria, and employment.<sup>74</sup> The Supreme Court’s Commentary to its *Code of Conduct* states that the justices comply with the EIGA.<sup>75</sup> Although Supreme Court justices are explicitly covered by the EIGA, the EIGA is subject to the rules and regulations of the Judicial Conference and Chief Justice Roberts, among others, has questioned whether the Judicial Conference’s regulations apply to the Supreme Court. For example, in his 2011 Year-End Report, Roberts wrote that “[b]ecause the Judicial Conference is an instrument for the management of the lower federal courts, its committees have no mandate to prescribe rules or standards for any other body.”<sup>76</sup>

**2. *Stop Trading on Congressional Knowledge Act* (Pub. L. 112-105, §§ 12, 17, 126 Stat. 291) and *Courthouse Ethics and Transparency Act* (Pub. L. 117-125, 136 Stat. 1205)**

The bipartisan Stop Trading on Congressional Knowledge (STOCK) Act of 2012, which passed both houses of the 112th Congress with overwhelming bipartisan support,<sup>77</sup> amended the EIGA to require covered filers to report securities transactions that exceed \$1,000 within 45 days of the transaction.<sup>78</sup> In May 2022, the Courthouse Ethics and Transparency Act extended these requirements to judicial officers, including Supreme Court justices, lower court federal judges, bankruptcy judges, and U.S. magistrate judges.<sup>79</sup> This legislation, led by Senators John Cornyn and Chris Coons in the 117th Congress, also passed both houses with overwhelming bipartisan support.<sup>80</sup> The STOCK Act also included provisions that addressed judicial officers’ purchases of initial public offering (IPO) stock and created filing requirements for judicial officers negotiating post-judicial employment. In April 2023, the Court noted that the justices follow the statute.<sup>81</sup> The Supreme Court’s Commentary to its *Code of Conduct* likewise states that the justices comply with the statute.<sup>82</sup>

The Courthouse Ethics and Transparency Act also amended the EIGA to require the online publication of judicial officers’ financial disclosure reports. Supreme Court justices, lower court federal judges, bankruptcy judges, and U.S. magistrate judges are all covered by the law.

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<sup>74</sup> Attachment to Letter from the Honorable John Roberts, Chief Justice, U.S. Supreme Court, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary 5 (Apr. 25, 2023) [hereinafter *Statement on Ethics*] at 4, <https://www.judiciary.senate.gov/imo/media/doc/Letter%20to%20Chairman%20Durbin%2004.25.2023.pdf>.

<sup>75</sup> *Supreme Court Code of Conduct* at 13.

<sup>76</sup> ROBERTS, *supra* note 16, at 4.

<sup>77</sup> S. 2038, <https://www.congress.gov/bill/112th-congress/senate-bill/2038>.

<sup>78</sup> Pub. L. 112-105, §§ 12, 17, 126 Stat. 291.

<sup>79</sup> Pub. L. 117-125, 136 Stat. 1205.

<sup>80</sup> S. 3059, <https://www.congress.gov/bill/117th-congress/senate-bill/3059>.

<sup>81</sup> *Statement on Ethics* at 5.

<sup>82</sup> *Supreme Court Code of Conduct* at 13.

### **3. Federal Recusal Statute (28 U.S.C. § 455)**

The federal recusal statute requires Supreme Court justices and lower court judges to recuse themselves from cases under certain circumstances.<sup>83</sup> The statute establishes that “[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”<sup>84</sup> The statute also requires justices and judges to disqualify themselves under other circumstances, including when they have “a personal bias or prejudice concerning a party,” “personal knowledge of disputed evidentiary facts concerning the proceeding,” prior engagement with the case while in private practice or in government, a financial interest in the case, or significant personal connections to a case.<sup>85</sup> The statute further requires judges to inform themselves about their financial interests, defines certain terms, and outlines narrow exceptions to recusal requirements.<sup>86</sup>

In April 2023, the Court’s *Statement on Ethics* quoted Chief Justice Roberts in noting that “the limits of Congress’s power to require recusal have never been tested. The Justices follow the same general principles as other federal judges, but the application of those principles can differ due to the unique circumstances of the Supreme Court.”<sup>87</sup> The Supreme Court’s Commentary to its *Code of Conduct* states that the justices comply with the federal recusal statute.<sup>88</sup>

### **4. Federal Gift Statute (5 U.S.C. § 7353)**

The federal gift statute prohibits various government officers and employees from soliciting or accepting “anything of value from a person . . . seeking official action from [or] doing business with . . . the individual’s employing entity; or . . . whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties.”<sup>89</sup> The statute defines “officers and employees” as “an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government,” which facially includes the justices.<sup>90</sup> The Supreme Court’s Commentary to its *Code of Conduct* states that the justices comply with the federal gift statute.<sup>91</sup>

### **5. Foreign Gifts and Decorations Act (5 U.S.C. § 7342)**

The Foreign Gifts and Decorations Act generally prohibits various government officials and employees from accepting gifts of more than minimal value from a foreign government.<sup>92</sup>

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<sup>83</sup> 28 U.S.C. §455.

<sup>84</sup> 28 U.S.C. §455(a).

<sup>85</sup> 28 U.S.C. §455(b).

<sup>86</sup> 28 U.S.C. §455(c)–(f).

<sup>87</sup> *Statement on Ethics* at 5 (quoting ROBERTS, *supra* note 16, at 7).

<sup>88</sup> *Supreme Court Code of Conduct* at 13.

<sup>89</sup> 5 U.S.C. § 7353(a).

<sup>90</sup> 5 U.S.C. § 7353(d)(2).

<sup>91</sup> *Supreme Court Code of Conduct* at 13.

<sup>92</sup> 5 U.S.C. § 7342.



The act also imposes certain reporting requirements for accepting gifts.<sup>93</sup> Supreme Court justices are included among the employees covered by the act.<sup>94</sup>

In April 2023, the Court noted that the justices “resolved to comply” with the statute.<sup>95</sup> The Supreme Court’s Commentary to its *Code of Conduct* states that the justices comply with the statute.<sup>96</sup>

#### **6. *Honorary Club Membership Restriction* (Pub. L. 110-402, § 2(b), 122 Stat. 4255)**

Since 2008, federal judicial officers have been statutorily prohibited from accepting a gift of an honorary club membership valued at over \$50 per calendar year.<sup>97</sup> Supreme Court justices are included among the judicial officers covered by the statute.<sup>98</sup> In April 2023, the Court noted that the justices comply with the statute.<sup>99</sup> The Supreme Court’s Commentary to its *Code of Conduct* states that the justices comply with the statute.<sup>100</sup>

### **C. The Role of the Judicial Conference**

Congress created the Conference of Senior Circuit Judges in 1922, to “serve as the principal policymaking body concerned with the administration of the United States Courts.”<sup>101</sup> Congress changed the organization’s name to the Judicial Conference of the United States in 1948. The presiding officer of the Judicial Conference is the Chief Justice of the United States.<sup>102</sup> Other members of the Judicial Conference include the chief judge of each judicial circuit, the Chief Judge of the Court of International Trade, and a district judge from each regional judicial circuit. The Judicial Conference’s duties include: surveying the conditions of business in federal courts; preparing plans for the assignment of judges; submitting suggestions to the federal courts; reviewing conduct and orders filed under 28 U.S.C. §§351–364; and studying the operation and effect of rules of practice and procedure.<sup>103</sup> The Judicial Conference also supervises and directs the Director of the Administrative Office of the United States Courts, as established under 28 U.S.C. § 604.

The Judicial Conference operates through a network of committees that focus on specific topics. There are currently 20 committees, which derive their jurisdiction from the Judicial Conference and the Chief Justice. The Chief Justice is authorized to make committee

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<sup>93</sup> 5 U.S.C. § 7342(c).

<sup>94</sup> 5 U.S.C. §§ 7342(a)(1)(A); 2105(a)(2).

<sup>95</sup> *Statement on Ethics* at 4.

<sup>96</sup> *Supreme Court Code of Conduct* at 13.

<sup>97</sup> Pub. L. 110-402, § 2(b), 122 Stat. 4255.

<sup>98</sup> Pub. L. 110-402, § 2(a)(2), 122 Stat. 4255; 5 U.S.C. app., § 109(10).

<sup>99</sup> *Statement on Ethics* at 5.

<sup>100</sup> *Supreme Court Code of Conduct* at 13.

<sup>101</sup> *FAQs: The Judicial Conference*, ADMIN OFF. OF THE U.S. COURTS, <https://www.uscourts.gov/about-federal-courts/governance-judicial-conference/about-judicial-conference/faqs-judicial>.

<sup>102</sup> *About the Judicial Conference*, ADMIN OFF. OF THE U.S. COURTS, <https://www.uscourts.gov/about-federal-courts/governance-judicial-conference/about-judicial-conference>.

<sup>103</sup> *FAQs: The Judicial Conference*, ADMIN OFF. OF THE U.S. COURTS, <https://www.uscourts.gov/about-federal-courts/governance-judicial-conference/about-judicial-conference/faqs-judicial>.

appointments. The committees review issues within their established jurisdictions and make policy recommendations to the Judicial Conference.<sup>104</sup>

The EIGA authorizes the Judicial Conference to administer the financial disclosure requirements for judicial officers and employees. It further authorizes the Judicial Conference to delegate any authority it has under the EIGA to an ethics committee established by the Judicial Conference.<sup>105</sup> In 1990, the Judicial Conference delegated its authority under the EIGA to what became the Committee on Financial Disclosure.<sup>106</sup>

The Administrative Office of the U.S. Courts (AO) is the agency within the judicial branch that provides support services to federal courts and the Judicial Conference. The Judicial Conference's committees advise the AO, and the AO is responsible for carrying out Judicial Conference policies. Together, the Judicial Conference's Committee on Financial Disclosure and the AO administer a range of ethics policies. One important activity is publishing and updating the *Guide to Judiciary Policy*, which covers ethics policies and guidance, among other subjects. These ethics policies include codes of conduct for federal judges and judicial employees; regulations on gifts, outside earned income, honoraria, and employment; judiciary financial disclosure regulations; and mandatory conflict-screening policies.

The Committee on Financial Disclosure is responsible for reviewing judiciary financial disclosure reports. Reviewing officials are empowered to request additional information or take action to bring reports and filers into compliance with applicable laws and regulations.<sup>107</sup> The EIGA authorizes the Committee on Financial Disclosure to refer to the U.S. Attorney General the name of any individual that the Committee has reasonable cause to believe has willfully failed to file a report, willfully falsified a report, or willfully failed to file information required to be reported.<sup>108</sup>

#### **D. The Ethical Canons of the Code of Conduct for United States Judges**

The *Code of Conduct for U.S. Judges* governs all federal judges with the exception of Supreme Court justices. The *Code of Conduct for U.S. Judges* is “a set of ethical principles and guidelines adopted by the Judicial Conference of the United States” that “provides guidance for judges on issues of judicial integrity and independence, judicial diligence and impartiality, permissible extra-judicial activities, and the avoidance of impropriety or even its appearance.”<sup>109</sup> The *Code of Conduct for U.S. Judges* consists of five ethical canons. Those canons are:

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<sup>104</sup> *About the Judicial Conference*, ADMIN OFF. OF THE U.S. COURTS, <https://www.uscourts.gov/about-federal-courts/governance-judicial-conference/about-judicial-conference>.

<sup>105</sup> 5 U.S.C. app., § 111.

<sup>106</sup> *Report of the Proceedings of the Judicial Conference of the United States* (Sep. 12, 2017) at 13, [https://www.uscourts.gov/sites/default/files/17-sep\\_final\\_0.pdf](https://www.uscourts.gov/sites/default/files/17-sep_final_0.pdf).

<sup>107</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, § 420 (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024), <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>108</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, § 620 (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024), <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>; 5 U.S.C. app., § 104(b).

<sup>109</sup> *Ethics Policies*, ADMIN OFF. OF THE U.S. COURTS, <https://www.uscourts.gov/rules-policies/judiciary-policies/ethics-policies>.

- Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary;
- Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities;
- Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently;
- Canon 4: A Judge May Engage in Extrajudicial Activities That Are Consistent With the Obligations of Judicial Office; and
- Canon 5: A Judge Should Refrain From Political Activity.

Each of the canons contains more detailed provisions and commentary on the canon. Canon 1 emphasizes the importance of judges’ conduct—and the provisions of the *Code of Conduct for U.S. Judges*—in preserving the integrity and independence of the judiciary.<sup>110</sup>

Canon 2 provides that “[a] judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”<sup>111</sup> It further provides that “[a] judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment” and “[a] judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge.”<sup>112</sup> Canon 2 also provides that judges should not voluntarily testify as character witnesses or “hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.”<sup>113</sup>

Canon 3 addresses the duties of judicial office and professional standards and responsibilities. It also provides that “[a] judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned” and lists various instances which merit disqualification consistent with the federal recusal statute.

Canon 4 addresses engagement in extrajudicial activities and certain reimbursement and financial disclosure restrictions.<sup>114</sup>

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<sup>110</sup> CODE OF CONDUCT FOR U.S. JUDGES Canon 1 (JUD. CONF. OF THE U.S. Mar. 12, 2019), [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf).

<sup>111</sup> CODE OF CONDUCT FOR U.S. JUDGES Canon 2A (JUD. CONF. OF THE U.S. Mar. 12, 2019), [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf).

<sup>112</sup> CODE OF CONDUCT FOR U.S. JUDGES Canon 2B (JUD. CONF. OF THE U.S. Mar. 12, 2019), [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf).

<sup>113</sup> CODE OF CONDUCT FOR U.S. JUDGES Canon 2B–C (JUD. CONF. OF THE U.S. Mar. 12, 2019), [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf).

<sup>114</sup> CODE OF CONDUCT FOR U.S. JUDGES Canon 4 (JUD. CONF. OF THE U.S. Mar. 12, 2019), [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf).

Canon 5 generally prohibits political activity and provides specific guidance for certain circumstances.<sup>115</sup>

Judges who violate the *Code of Conduct for U.S. Judges* risk judicial discipline (such as censure, reprimand, or temporary prohibition from receiving new cases) or disqualification from an ongoing case.<sup>116</sup> Although the *Code of Conduct for U.S. Judges* applies only to lower court federal judges, in April 2023, the Supreme Court noted that the Court “nevertheless takes guidance from the Code.”<sup>117</sup> The Supreme Court’s November 2023 Commentary to its own *Supreme Court Code of Conduct* states that the Court’s *Code of Conduct* “is substantially derived from the Code of Conduct for U.S. Judges, but adapted to the unique institutional setting of the Supreme Court.”<sup>118</sup>

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<sup>115</sup> CODE OF CONDUCT FOR U.S. JUDGES Canon 5 (JUD. CONF. OF THE U.S. Mar. 12, 2019), [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf)

<sup>116</sup> See, e.g., JOANNA R. LAMPE, CONG. RSCH. SERV., LSB10255, A CODE OF CONDUCT FOR THE SUPREME COURT? LEGAL QUESTIONS AND CONSIDERATIONS 2 (Apr. 6, 2022), <https://crsreports.congress.gov/product/pdf/LSB/LSB10255/3>; 28 U.S.C. § 354.

<sup>117</sup> *Statement on Ethics* at 5.

<sup>118</sup> *Supreme Court Code of Conduct* at 10.

### III. The U.S. Supreme Court’s Statement on Ethics and Code of Conduct

The Supreme Court has never had an enforceable code of conduct. In recent years, the Court has publicly released documents related to ethics for Supreme Court justices, and the justices have purported to subscribe to certain ethical obligations. This section summarizes those documents and obligations—as well as their shortcomings. The unavoidable conclusion is that the Court’s recent efforts to address its ethical crisis are plainly inadequate.

#### A. *Statement on Ethics Principles and Practices*

In his April 2023 letter to Chair Durbin, Chief Justice Roberts provided the Supreme Court’s *Statement on Ethics Principles and Practices* (*Statement on Ethics*) to which all current Supreme Court justices purported to subscribe.<sup>119</sup> The *Statement on Ethics* provided history and background of the Court’s approach to ethics and noted how former and current justices had agreed to comply with Judicial Conference regulations applicable to lower court judges, including financial disclosure requirements and gift rules. The *Statement on Ethics* also briefly addressed certain ethics issues, such as income restrictions, extrajudicial activities, appearances of impropriety, and recusal policies for justices. Notably, the *Statement on Ethics* stated that “[i]ndividual Justices, rather than the Court, decide recusal issues.”<sup>120</sup>

#### B. *Code of Conduct for Justices of the Supreme Court of the United States*

On November 13, 2023, the Supreme Court announced that it had promulgated a *Code of Conduct for Justices of the Supreme Court of the United States* (*Supreme Court Code of Conduct*). The *Supreme Court Code of Conduct* effectively supersedes the Court’s earlier *Statement on Ethics*. Despite the Court’s historic and ongoing ethical failures, the Court acknowledges in its accompanying *Statement of the Court Regarding the Code of Conduct* that “[f]or the most part these rules and principles are not new.”<sup>121</sup>

Large sections of the *Supreme Court Code of Conduct* and its accompanying Commentary adopt language from the *Code of Conduct for U.S. Judges* and the Court’s earlier *Statement on Ethics*, particularly in its Commentary on financial disclosure requirements, engagement in extrajudicial activity, and appearances of impropriety. However, the *Supreme Court Code of Conduct* departs from the *Statement on Ethics* in two ways. First, the *Supreme Court Code of Conduct* includes new prohibitions on judges speaking at certain events. Specifically, it prohibits a justice from speaking at or participating in events that promote commercial products or services, with the exception of events related to books authored by a justice; and prohibits a justice from speaking at or participating in events with groups that have substantial financial interests in cases before the Court or likely to come before the Court.<sup>122</sup> Relatedly, the *Supreme Court Code of Conduct* and its Commentary clarify that a justice generally may not use court resources for unofficial purposes.<sup>123</sup>

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<sup>119</sup> See *Statement on Ethics*.

<sup>120</sup> *Statement on Ethics* at 2.

<sup>121</sup> *Supreme Court Code of Conduct*.

<sup>122</sup> *Id.* at 4–5.

<sup>123</sup> *Id.* at 8, 12.

Second, the *Supreme Court Code of Conduct* includes a number of canons, or principles, modeled primarily after the *Code of Conduct for U.S. Judges*, rather than the *Statement on Ethics*, including: (1) upholding the integrity and independence of the judiciary; (2) avoiding impropriety and the appearance of impropriety; (3) performing the duties of office; (4) engaging in extrajudicial activities; and (5) refraining from political activity.

However, the *Supreme Court Code of Conduct* departs from the *Code of Conduct for U.S. Judges* in several key ways. Most significantly, the Court states that the *Supreme Court Code of Conduct* “does not adopt the extensive commentary from the lower court Code [of Conduct for U.S. Judges], much of which is inapplicable.”<sup>124</sup> Importantly, this commentary effectively ties the *Code of Conduct for U.S. Judges* to statutory provisions that create processes for complaints and disciplinary actions against lower court judges. In contrast, the *Supreme Court Code of Conduct* and its Commentary do not tie the *Supreme Court Code of Conduct* to statutory provisions to which the justices are subject. The *Supreme Court Code of Conduct* and its Commentary also do not subject the justices to enforcement mechanisms that apply to lower court judges, and the *Supreme Court Code of Conduct* does not establish any enforcement mechanism of its own. Rather, the Supreme Court’s Commentary to its *Code of Conduct* simply states that: “the Justices also comply with:

- “The Constitution of the United States, see, e.g., U.S. Const. Art. I, § 9, cl. 8 (foreign emoluments clause); Amdt. 5 (due process clause).
- “Current laws relating to judicial ethics including, but not limited to 28 U.S.C. §§ 455, 2109; the Ethics in Government Act, 5 U.S.C. §§ 13101 – 13111, 13141 – 13145; the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342; Pub. L. 110-402, § 2(b), 122 Stat. 4255; and the Stop Trading on Congressional Knowledge Act of 2012, Pub. L. 112-105, §§ 12, 17, 126 Stat. 303; and
- “Current Judicial Conference Regulations on: Gifts; Foreign Gifts and Decorations; Outside Earned Income, Honoraria, and Employment; and Financial Disclosure.”<sup>125</sup>

This lack of enforcement mechanisms is a common failure of the *Supreme Court Code of Conduct*. For example, although it proscribes the appearance of impropriety, it continues to allow individual justices to determine if such an appearance has been created. Similarly, recusal decisions are left to the discretion of individual justices.<sup>126</sup> Although the text of the *Supreme Court Code of Conduct* largely mirrors the *Code of Conduct for U.S. Judges*, the Court’s Commentary emphasizes a justice’s duty to sit and highlights the risks of recusal—namely, that a disqualified justice cannot be replaced by another judge. While this is a legitimate concern, the risk of excessive recusals could be mitigated by justices avoiding conduct that requires recusal and by enacting certain recusal review processes.

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<sup>124</sup> *Id.* at 10.

<sup>125</sup> *Id.* at 13.

<sup>126</sup> *Id.* at 11.



The *Supreme Court Code of Conduct* also departs from both the *Code of Conduct for U.S. Judges* and the *Statement on Ethics* in its Commentary on amicus briefs. Neither the *Code of Conduct for U.S. Judges* nor the *Statement on Ethics* addressed amicus briefs. In contrast, the *Supreme Court Code of Conduct* provides that “[n]either the filing of a brief amicus curiae nor the participation of counsel for amicus curiae requires a Justice’s disqualification.”<sup>127</sup> In its Commentary, the Court notes that, in light of the Court’s permissive approach to amicus filings, “amici and their counsel will not be a basis for an individual Justice to recuse.”<sup>128</sup>

Several provisions of the *Supreme Court Code of Conduct* appear to have been drafted in response to recent reporting on Supreme Court justices’ conduct. For example, Canon 4G states that “[a] Justice should not to any substantial degree use judicial chambers, resources, or staff to engage in activities that do not materially support official functions or other activities permitted under these Canons.”<sup>129</sup> This provision was absent from the *Statement on Ethics* and is largely in line with the *Code of Conduct for U.S. Judges*. On its face, the provision appears to prevent a justice from using court resources to advance sales of their books, among other activities; Justice Sotomayor’s alleged use of staff to help promote sales of her book would thus seem to violate the *Supreme Court Code of Conduct*. However, among the “other activities permitted under these Canons” are unlimited compensation for writing a book and a justice attending and speaking at events where the justice’s book is for sale, thereby limiting the scope and effectiveness of the new prohibition.<sup>130</sup>

In addition, the *Supreme Court Code of Conduct* prohibits “knowingly mak[ing] public comment on the merits of a matter pending or impending in any court,” yet permits such public statements if they are made as part of official duties and allows a justice to describe issues in a pending or impending case “[f]or scholarly, informational, or educational purposes.”<sup>131</sup> The *Supreme Court Code of Conduct* also includes law-related activities among its approved extrajudicial activities, and merely advises justices to consider appearances of impropriety when speaking or appearing before a group if “the group has a substantial financial interest in the outcome of a case that is before the Court or is likely to come before the Court in the near future.”<sup>132</sup> Nor may a justice “knowingly be a speaker, a guest of honor, or featured on the program” of a fundraising event.<sup>133</sup> These provisions appear to be an attempt to address appearances like those of Justices Scalia and Thomas at multiple Koch political network summits.

The *Supreme Court Code of Conduct* additionally states that “[a] Justice should comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Regulations on Gifts now in effect.”<sup>134</sup> This is consistent with language from the *Statement on Ethics* codifying an admonition that had previously proved inadequate to ensure ethical behavior by the Court. Justices Thomas and Alito repeatedly failed to comply with

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<sup>127</sup> *Id.* at 3.

<sup>128</sup> *Id.* at 11.

<sup>129</sup> *Id.* at 8.

<sup>130</sup> *Id.* at 5, 13.

<sup>131</sup> *Id.* at 2.

<sup>132</sup> *Id.* at 5.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.* at 7.

prior gift disclosure rules, and it appears unlikely that the *Supreme Court Code of Conduct*, with its identical disclosure requirements but no new enforcement mechanisms or penalties, will lead to significant disclosure improvements by the justices.

The *Supreme Court Code of Conduct* does not provide any information, or any means of gaining additional information, on past misconduct by justices or their benefactors in violation of earlier ethics requirements. It also does not create any means of investigating misconduct or any enforcement mechanism to prevent justices from violating the *Supreme Court Code of Conduct*. Finally, it does not authorize penalties or disciplinary action for a justice who violates the *Supreme Court Code of Conduct*. Accordingly, the *Supreme Court Code of Conduct* is not an enforceable code of conduct, and it is not likely to resolve the Court's ethics crisis.

## IV. The Judicial Conference’s Clarification of Gift Disclosure Requirements

As detailed in Section II.B.1, the EIGA requires federal officials, including Supreme Court justices, to file financial disclosure reports. The law includes certain exemptions from what must be included in these reports, including for “personal hospitality.” The “personal hospitality” exemption is a limited one, and applies only to “food, lodging, or entertainment” received from an individual.<sup>135</sup> “Personal hospitality” is further defined by federal law as “hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual’s family or on property or facilities owned by that individual or the individual’s family.”<sup>136</sup> This definition has remained unchanged since the EIGA’s enactment in 1978.<sup>137</sup>

This section summarizes certain clarifications regarding financial disclosures issued by the Judicial Conference’s Administrative Office of the United States Courts (AO) in 2023 and 2024 to bring the instructions in line with federal law in light of the decades of inappropriate gifts that Justices Thomas, Scalia, and others accepted without disclosing as required by federal law, as detailed in Section V.

### A. March 2023 Revisions

In March 2023, the AO published its revised *Guide to Judiciary Policy*.<sup>138</sup> The guide includes financial disclosure regulations for judicial officers and employees, including Supreme Court justices. Notably, the March 2023 revisions included notes that accompanied the definition of “[p]ersonal hospitality of any individual.” The March 2023 definition read: “Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.”<sup>139</sup> This largely mirrored the previous year’s definition. However, new notes accompanying the definition included the following:

- (1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:
  - gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;
  - gifts extended for a business purpose;
  - gifts extended at property or facilities owned by an entity, rather than by an individual or an individual’s family, even if the entity is owned wholly or in part by an individual or an individual’s family;

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<sup>135</sup> 5 U.S.C. § 13104(a)(2)(A).

<sup>136</sup> 5 U.S.C. § 13101(14).

<sup>137</sup> *Compare* Ethics in Government Act, Pub. L. 95-521, § 107(6), 82 Stat. 1824, 1834 (1978) and 5 U.S.C. § 13101(14).

<sup>138</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D ((Admin. Off. of the U.S. Cts. rev. Mar. 23, 2023), Appendix B, Key Document B.

<sup>139</sup> *Id.* at § 170.

- gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or
  - gifts extended at a commercial property, e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose.
- (2) A judicial officer or employee is not permitted to solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judge's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference's regulations. **See:** 5 U.S.C. § 7353; Guide, Vol. 2C, Ch.6.<sup>140</sup>

These notes simply made explicit the longstanding statutory requirements for covered individuals to disclose private transportation and stays at commercial properties or properties or facilities owned by an entity. This clarification came after Justices Thomas and Alito both improperly invoked the personal hospitality exemption in defending their earlier failures to disclose transportation and lodging they had received. Under the updated regulations, Justice Thomas would unquestionably have to report private jet travel like that he received from Mr. Crow. Justice Thomas would also have had to report lodging he received at Mr. Crow's Topridge Camp, which is owned by an entity, Topridge Holdings, LLC. Similarly, Justice Alito would have to report gifts like the private jet travel and the stay at a luxury fishing resort he received on his luxury fishing trip to Alaska in 2008.

In a March 2023 letter, the then-Director of the AO, Roslynn R. Mausekopf, wrote that the revised regulations took effect on March 14, 2023.<sup>141</sup> In August 2023, Justice Thomas filed his 2022 financial disclosure report and included three trips on Mr. Crow's private jet.<sup>142</sup> Thomas also noted that, in light of the revised regulations, he would "report any such trips beginning with this filing for calendar year 2022."<sup>143</sup> However, he listed these trips in the reimbursements section of his financial disclosure report rather than the gifts section, thereby allowing him to omit the value of his transportation, food, and lodging.<sup>144</sup>

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<sup>140</sup> *Id.*

<sup>141</sup> Letter from the Honorable Roslynn R. Mausekopf, Director, Admin. Off. of the U.S. Courts, to the Honorable Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary (Mar. 23, 2023), Appendix A, Key Document C.

<sup>142</sup> Abbie VanSickle, *Justice Thomas Reports Private Trips With Harlan Crow*, N.Y. TIMES (Aug. 31, 2023), <https://www.nytimes.com/2023/08/31/us/thomas-financial-disclosures-sctus.html>.

<sup>143</sup> Clarence Thomas, *Financial Disclosure Report for Calendar Year 2022* (Aug. 9, 2023) [hereinafter *Financial Disclosure Report for Calendar Year 2022*] at 7, Appendix J, Key Document Q.

<sup>144</sup> *Financial Disclosure Report for Calendar Year 2022*, at 2.

## B. March 2024 Revisions

In March 2024, the AO published another revised *Guide to Judiciary Policy*<sup>145</sup> which includes financial disclosure regulations for judicial officers and employees, including Supreme Court justices.

Most notably, the March 2024 regulations clarified financial disclosure rules for travel-related gifts. The revised regulations removed a line from the 2023 regulations that stated: “[f]or in-kind travel-related gifts, include travel locations, dates, and nature of expenses provided.”<sup>146</sup> The revised regulations also clarified that the “personal hospitality” exemption and “aggregation rule” (under which gifts valued under \$192 from a single source need not be aggregated in determining whether all gifts from that single source exceed the minimal value) applied to gifts but not reimbursements.<sup>147</sup> The revised regulations more clearly established that filers must disclose travel-related gifts and their value, rather than omitting the value of travel-related gifts by characterizing them as “in-kind travel-related gifts” or reimbursements. Although some media coverage characterized the revised regulations as new disclosure rules for free trips, the updated language simply clarified preexisting requirements.<sup>148</sup> As the AO itself explained in March 2024, the disclosure policies were updated to “reflect past statutory changes more clearly and help ensure complete reporting of gifts and reimbursements consistent with statutory requirements.”<sup>149</sup> One law professor and ethics expert described the updated policy as “a clarification of an existing rule that should not have needed clarifying.”<sup>150</sup>

Despite such travel-related gifts previously being reportable like any other gifts, certain Supreme Court justices had repeatedly failed to disclose such gifts altogether (occasionally invoking the personal hospitality exemption) or had improperly reported them as reimbursements rather than gifts. For example, Justice Alito did not report his 2008 private jet transportation to Alaska in his financial disclosures, and Justice Thomas failed to disclose his 2019 travel on Mr. Crow’s superyacht or jet. In his 2022 financial disclosures, Justice Thomas listed a weeklong trip to Mr. Crow’s upstate New York retreat as a reimbursement, which allowed Thomas to avoid disclosing the value of the trip.<sup>151</sup> Justices Breyer and Ginsburg also listed trips as “reimbursements” and did not disclose their value.<sup>152</sup> The March 2024 revised regulations more explicitly established that individuals filing financial disclosure reports must disclose travel-related gifts and their value.

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<sup>145</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D (Admin. Off. of the U.S. Cts. rev. Mar. 15, 2024), [https://www.uscourts.gov/sites/default/files/guide-vol02d\\_1.pdf](https://www.uscourts.gov/sites/default/files/guide-vol02d_1.pdf).

<sup>146</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, ch. 3, § 330.10 (Admin. Off. of the U.S. Cts. rev. Mar. 23, 2023).

<sup>147</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, ch. 3, §§ 330.30(b), 330.40(a) (Admin. Off. of the U.S. Cts. rev. Mar. 15, 2024), [https://www.uscourts.gov/sites/default/files/guide-vol02d\\_1.pdf](https://www.uscourts.gov/sites/default/files/guide-vol02d_1.pdf).

<sup>148</sup> See, for example, Kimberly Strawbridge Robinson, *Judiciary Adopts New Financial Disclosure Rules for Free Trips*, BLOOMBERG LAW (Mar. 18, 2024), <https://news.bloomberglaw.com/us-law-week/judiciary-adopts-new-financial-disclosure-rules-for-free-trips>; Nate Raymond, *US Supreme Court justices, judges face new rules for disclosing free trips*, REUTERS (Mar. 18, 2024), <https://www.reuters.com/world/us/us-supreme-court-justices-judges-face-new-rules-disclosing-free-trips-2024-03-18/>.

<sup>149</sup> *Judiciary Policy Update: Ethics*, ADMIN. OFF. OF THE U.S. CTS. (Mar. 15, 2024), Appendix B, Key Document C.

<sup>150</sup> Raymond, *supra* note 148.

<sup>151</sup> *Financial Disclosure Report for Calendar Year 2022*, at 2. See also Raymond, *supra* note 148.

<sup>152</sup> Karl Evers-Hillstrom, *Supreme Court Justices Continue to Rack Up Trips on Private Interest Dime*, OPEN SECRETS (Jun. 13, 2019), <https://www.opensecrets.org/news/2019/06/scotus-justices-rack-up-trips/>.

The revised regulations also provided new guidance to filers on how to value gifts of travel, noting that:

In the case of gifts related to travel, the filer’s estimate of value should be made in reference to the most analogous commercially available substitute (e.g., transportation aboard a private aircraft should be valued at the cost of a first-class ticket for a similar route on a commercial air carrier; travel aboard a private yacht should be valued according to the cost of a ticket on a commercial cruise with similar destinations, duration, and accommodations).<sup>153</sup>

These instructions for estimating value are virtually certain to lead to significant undervaluation of travel-related gifts, as private transportation is typically far more expensive than any commercially available substitute. For example, according to an April 2024 search of Google Flights, the cost of a roundtrip first-class ticket in July 2024 from Dulles International Airport to King Salmon, Alaska is \$2,715.<sup>154</sup> In their August 2023 response to a July 2023 letter from the Senate Judiciary Committee, Paul Singer’s attorneys estimated the *pro rata* cost of Justice Alito’s 2008 travel to and from Alaska at \$23,776.11 per passenger.<sup>155</sup> Adjusted for inflation, the estimated value of private jet transportation like Alito’s is more than 12 times the value of a first-class ticket.<sup>156</sup> Other estimates have placed the actual value of the kinds of private transportation the justices have enjoyed at nine to 48 times the amount that would be reported under the revised regulations.<sup>157</sup> Accordingly, while the revised regulations may lead to increased transparency surrounding certain details of travel-related gifts, they permit obfuscation of the true value of these gifts.

### C. September 2024 Revisions

In September 2024, the AO published an updated version of the *Guide to Judiciary Policy*.<sup>158</sup> The updated version reflected several revisions approved by the Judicial Conference Committee on Financial Disclosure. The September 2024 revisions notably included new guidance in the definition of “[p]ersonal hospitality of any individual,” noting that:

The reporting exemption applies to stays extended for a nonbusiness purpose at a personal residence of the host, even if the personal

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<sup>153</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, ch. 3, § 330.50(c)(2) (Admin. Off. of the U.S. Cts. rev. Mar. 15, 2024), [https://www.uscourts.gov/sites/default/files/guide-vol02d\\_1.pdf](https://www.uscourts.gov/sites/default/files/guide-vol02d_1.pdf).

<sup>154</sup> Searched for roundtrip first-class flights from Dulles International Airport to King Salmon Airport (departing July 9, 2024; returning July 12, 2024) via Google Flights on Apr. 30, 2024.

<sup>155</sup> Letter from Robert K. Kelner & Nick Xenakis, Covington & Burling LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Singer (Aug. 14, 2023) (on file with Committee).

<sup>156</sup> \$23,776.11 in 2008 Equals \$34,723.70 in 2024, <https://www.saving.org/inflation> (last visited Apr. 30, 2024).

<sup>157</sup> Gabe Roth, *New Judiciary Regulations May Help Judges and Justices Hide the True Value of Their Luxury Trips*, FIX THE COURT (Mar. 21, 2024), <https://fixthecourt.com/2024/03/new-judiciary-regulations-may-help-judges-and-justices-hide-the-true-value-of-their-luxury-trips/>.

<sup>158</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024) <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

residence is owned by an entity, provided that the residence is not regularly rented out to others for a business purpose and there are no indicia that the residence is commercial.<sup>159</sup>

Under this new guidance, justices and judges would not have to report gifts of food, lodging, or entertainment they received at certain properties owned by an entity rather than by an individual or an individual's family. This contrasts starkly with the guidance prior to September 2024, which explicitly excluded "gifts extended at property or facilities owned by an entity" from the personal hospitality gift reporting exemption. The application of this new guidance remains to be seen, and its language is open to various interpretations as it fails to define the meaning of "regularly" or "indicia that the residence is commercial." However, the new guidance plainly expands the application of the personal hospitality exemption and allows a judge or justice to stay at more places without having to report those stays.

Although the language of the new guidance is vague with regard to certain terms, it is oddly specific in expanding the personal hospitality exemption. Under the new guidance, Justice Thomas would arguably not have to report gifts provided to him at a property owned by an entity controlled by Mr. Crow—such as Camp Topridge—so long as the property is deemed a "personal residence" that is "not regularly rented out to others for a business purpose" and "there are no indicia that the residence is commercial." The likely applicability of the new guidance to Justice Thomas's situation led one attorney to remark, "They might as well call it the Clarence Thomas exemption."<sup>160</sup>

One stated purpose of the Judicial Conference's September 2024 revisions was to "clarify application of the personal hospitality exemption to gifts received at personal residences owned by corporate entities."<sup>161</sup> However, in light of how the revisions significantly alter and expand the personal hospitality exemption, the revisions would be more accurately characterized as a substantive change rather than a clarification. The Judicial Conference's decisions to expand the personal hospitality exemption and characterize that expansion as a mere clarification are cause for concern.

Even more concerning are the potential effects of the revisions. One potential effect is the expanded ability of judges and justices to accept gifts provided by wealthy individuals without reporting them. Another potential effect is the revisions' ratification of Justice Thomas's past failures to report gifts he accepted, as the revisions could facilitate the retroactive approbation of his prior violations of federal law. Notably, the Judicial Conference could conclude its current investigation of Justice Thomas by applying its new standards of review to past conduct that violated then-applicable regulations. The September 2024 revisions are a step in the wrong direction by the Judicial Conference, as the revisions seem more likely to absolve past misconduct and facilitate the acceptance of future largesse than strengthen judicial ethics.

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<sup>159</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, Ch. 1, § 170 (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024) <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>160</sup> Nate Raymond, *US Supreme Court justices, other judges can stay at corporate-owned homes without disclosure*, REUTERS (Sep. 24, 2024), <https://www.reuters.com/world/us/us-supreme-court-justices-other-judges-can-stay-corporate-owned-homes-without-2024-09-24/>.

<sup>161</sup> *Judiciary Policy Update: Ethics*, ADMIN. OFF. OF THE U.S. CTS. (Sep. 23, 2024), Appendix B, Key Document F.

## **V. Misconduct by Supreme Court Justices in Accepting and Failing to Disclose Extravagant Gifts**

The use of gifts to bribe, attempt to bribe, or generally influence official acts of public officials is an existential threat to any functioning democracy. Such acts both corrupt the relevant government action or policy and break down public trust that the government is responsive to the people and not moneyed interests. To avoid even the appearance of impropriety, federal law could prohibit public officials from accepting all gifts, no matter their source or value. But federal law recognizes that certain relationships, particularly longstanding relationships established before an official entered public office, and other specific circumstances, including the type of gift and the relative value, do not present the same ethical issues as captains of industry buying the favor of government officials with extreme largesse. Some officials nonetheless take a more cautious approach. For example, Justice Kagan reportedly turned down a gift of bagels and lox from high school friends, due to her personal stance on gifts.<sup>162</sup>

Transparency is one way the system achieves a middle ground. By requiring disclosure of gifts above a certain amount and outside income earned through employment, honoraria, and other means, federal law allows the press and the public to scrutinize gifts and voice concerns about their propriety. How public officials react to such scrutiny may increase or decrease trust in them individually, but transparency enhances public trust in the ability for government to function impartially. On the other hand, a lack of transparency, especially when seemingly willful, destroys trust not only in the public official at issue, but in government institutions more generally by exacerbating the public's reasonable fears that government officials use their offices not to further the common good, but to enrich themselves.

Over the past several decades, Supreme Court justices have made questionable—and in some cases unacceptable—decisions to accept gifts and outside income. This section will detail those gifts and outside income and examine whether they were properly disclosed under federal law, as outlined in Sections II and IV.

### **A. Justice Scalia Established the Practice of Accepting Gifts of Luxury Travel and Failing to Disclose It as Required by Federal Law**

Justice Scalia regularly accepted luxury travel and lodging from wealthy benefactors and failed to report the gifts on his financial disclosures, in contravention of federal law. From his confirmation in 1986 until his death in 2016, Justice Scalia took at least 258 subsidized trips, more than any other justice.<sup>163</sup> Despite all of these trips being funded by private donors, many were only partially disclosed, while several dozen others appear to have never been disclosed.<sup>164</sup> For instance, Justice Scalia would often disclose trips to give speeches, but fail to disclose

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<sup>162</sup> Beth Harpaz, *Is it OK for a Supreme Court justice to accept bagels and lox from her high school friends?*, FORWARD (May 9, 2023), <https://forward.com/fast-forward/546201/elena-kagan-clarence-thomas-bagels-and-lox/>.

<sup>163</sup> Eric Lipton, *Scalia Took Dozens of Trips Funded by Private Sponsors*, N.Y. TIMES (Feb. 26, 2016), <https://www.nytimes.com/2016/02/27/us/politics/scalia-led-court-in-taking-trips-funded-by-private-sponsors.html>.

<sup>164</sup> The Editorial Board, *The Ethics of Nine of the Most Powerful People in America*, N.Y. TIMES (Apr. 14, 2023), <https://www.nytimes.com/2023/04/14/opinion/editorials/clarence-thomas-trips-supreme-court.html>.



hunting trips.<sup>165</sup> Justice Scalia tragically passed away during one of these undisclosed hunting trips.<sup>166</sup>

During the final two decades of his tenure on the Supreme Court, Justice Scalia became a frequent hunter, traveling around the country on multi-day hunting trips.<sup>167</sup> According to prior reviews of his travels, Justice Scalia never disclosed several dozen of his hunting and fishing trips.<sup>168</sup> His trips were especially prevalent throughout the Deep South due to his “circuit justice” duties for the Fifth Circuit, where he was assigned to cover the appeals courts for Texas, Mississippi, and Louisiana.<sup>169</sup> These hunting trips would frequently be tied to a speaking engagement or appearance nearby, the expenses for which were eligible for reimbursement.<sup>170</sup> The people accompanying Justice Scalia on these trips were often judges, lawyers, “prominent Republican donors, politicians, and those with business before the court.”<sup>171</sup> Notably, wealthy hosts paid for “[a]ll or practicably all of Justice Scalia’s hunting trips,” none of which Justice Scalia disclosed publicly.<sup>172</sup>

### 1. Timeline of Undisclosed Travel

What follows is a non-comprehensive list of Justice Scalia’s partially or fully undisclosed travel to highlight the breadth of this issue:

#### 2001

- After speaking at the University of Kansas Law School in November 2001,<sup>173</sup> Justice Scalia went on a hunting trip arranged by Stephen McCallister, the dean of the law school and Kansas’s State Solicitor.<sup>174</sup> Justice Scalia flew from Lawrence, Kansas on a state plane to Ringneck Ranch to go hunting with Republicans Bill Graves, the then-Governor of Kansas, and Dick Bond, the former State Senate President.<sup>175</sup> Mr. McCallister has stated that he “had worked for a couple of years on getting [Justice Scalia] to come here....”<sup>176</sup> According to Justice Scalia’s financial disclosure report, Scalia’s travel, food, and lodging were paid for by the University of Kansas.<sup>177</sup> For his hunting trip, Justice Scalia reportedly paid the state of Kansas \$121.97 for the airfare and paid the owner of

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<sup>165</sup> *Id.*

<sup>166</sup> See, e.g., Molly Hennessy-Fiske, *Scalia’s last moments on a Texas ranch; quail hunting to being found in ‘perfect repose’*, L.A. TIMES (Feb. 14, 2016), <https://www.latimes.com/local/lanow/la-na-scalia-ranch-20160214-story.html>.

<sup>167</sup> Stephen R. Bruce, “Any Good Hunting?”: *When a Justice’s Impartiality Might Reasonably Be Questioned*, SSRN 10 (Oct. 5, 2016), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2782170](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2782170).

<sup>168</sup> See generally, *id.*

<sup>169</sup> Bruce, *supra* note 167, at 10.

<sup>170</sup> *Id.* at 12.

<sup>171</sup> *Id.* at 10.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.* at 13.

<sup>174</sup> Richard A. Serrano & David G. Savage, *Scalia Took Trip Set Up by Lawyer in Two Cases*, L.A. TIMES (Feb. 27, 2004), <https://www.latimes.com/archives/la-xpm-2004-feb-27-na-scalia27-story.html>.

<sup>175</sup> Bruce, *supra* note 167, at 13, 35; see also *id.*

<sup>176</sup> Bruce, *supra* note 167, at 13–14.

<sup>177</sup> Serrano & Savage, *supra* note 174.

the ranch “several hundred dollars.”<sup>178</sup> Two weeks before the trip and again two weeks after it, Mr. McAllister was the lead attorney in two separate cases before the Supreme Court: *Kansas v. Crane*, 534 U.S. 407 (2002) and *McKune v. Lile*, 536 U.S. 24 (2002).<sup>179</sup> Justice Scalia did not recuse himself in either case and “sided with Kansas in both.”<sup>180</sup> Kansas prevailed in *McKune*, the latter case.<sup>181</sup>

## 2002

- In January 2002, hosted by former U.S. Senator Kaneaster Hodges, Justice Scalia went hunting in Arkansas with the then-Governor of Arkansas, Mike Huckabee, and the then-Governor of Oklahoma, Frank Keating.<sup>182</sup> In 2005, Justice Scalia spoke at the American Council of Life Insurers, of which Governor Keating was President at the time.<sup>183</sup>

## 2003

- In 2003, Justice Scalia went hunting with Glen Summers,<sup>184</sup> a former clerk for Justice Scalia and a partner at law firm Bartlit Beck Herman Palenchar & Scott’s Denver, Colorado office.<sup>185</sup> On their 2003 trip, Justice Scalia killed an elk that was later displayed in his Supreme Court chambers, but this trip does not appear to be included on his 2003 financial disclosure report.<sup>186</sup> According to Mr. Summers, he and Justice Scalia went on “dozens of hunting and fishing outings,” and began taking annual hunting trips with one another “a few years” after his 1996-1997 clerkship.<sup>187</sup>

## 2004

- In January 2004, Justice Scalia and then-Vice President Cheney traveled together on Air Force Two to a hunting lodge on Little Pecan Island in Louisiana for a hunting trip hosted by the lodge’s owner, Wallace Carline, a multimillionaire who also owned an oil services company.<sup>188</sup> Also on this trip were Justice Scalia’s son and son-in-law.<sup>189</sup> Notably, while

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<sup>178</sup> *Id.*

<sup>179</sup> Bruce, *supra* note 167, at 13, 35; Serrano & Savage, *supra* note 174.

<sup>180</sup> See Serrano & Savage, *supra* note 174.

<sup>181</sup> See Bruce, *supra* note 167, at 36. Justice Scalia released a written statement saying “I do not think that spending time at a law school in which the counsel in pending cases was the dean could reasonably cause my impartiality to be questioned. Nor could spending time with the governor of a state that had matters before the court.” Serrano & Savage, *supra* note 174.

<sup>182</sup> Bruce, *supra* note 167, at 32.

<sup>183</sup> *Id.*

<sup>184</sup> Throughout his practice, Summers has litigated cases involving “Amazon, DuPont, Hewlett Packard, Siemens AG, Tyco, and William Koch, the now-deceased brother of Charles and David Koch.” *Id.* at 33. His litigation experience also includes the 2000 Florida election case for then-Texas Governor George W. Bush, where “he represented Governor Bush and former Secretary of Defense Cheney in both the election contest filed about the results of the Presidential election in Florida, and a separate case seeking recognition of disqualified overseas military ballots.” *Id.* at 33.

<sup>185</sup> *Id.* at 33.

<sup>186</sup> *Id.*; see Antonin Scalia, *Financial Disclosure Report for Calendar Year 2003* (May 15, 2004), Appendix J, Key Document C.

<sup>187</sup> Bruce, *supra* note 167, at 33.

<sup>188</sup> *Id.* at 3, 25.

<sup>189</sup> *Id.* at 25.

on this trip, a case involving Vice President Cheney was pending before the Supreme Court.<sup>190</sup>

## 2005

- In 2005, Justice Scalia and his former law clerk, Glen Summers, were hosted by James A. Rose, former U.S. Marshal and Wyoming state legislator, for an antelope hunting trip in Wyoming when Rose was the state's U.S. Marshal.<sup>191</sup> Not including lodging, food, and travel, it costs at least \$1,500 per person for a two-day guided trip in Wyoming to hunt for deer and antelope.<sup>192</sup> This trip does not appear on Justice Scalia's 2005 financial disclosure report.<sup>193</sup>
- On June 20, 2023, *ProPublica* reported that in 2005, Robin Arkley, II—a wealthy Republican donor who owns a mortgage business in California—flew Justice Scalia on his private jet to Kodiak Island, Alaska, where Arkley rented a fishing lodge that cost \$3,200 per week per person.<sup>194</sup> This trip began the day after a speaking engagement by Justice Scalia in Napa, California for the Federalist Society.<sup>195</sup> While Justice Scalia's 2005 financial disclosure report shows he was reimbursed for his transportation, food, and lodging related to the speaking engagement,<sup>196</sup> he did not disclose the Alaska trip.<sup>197</sup> During the trip, Scalia and Arkley were joined by Judge A. Raymond Randolph, who stayed with the party and flew back with them on Mr. Arkley's private jet.<sup>198</sup> Reportedly on a group-chartered boat excursion touring Yakutat Bay, Arkley, who has previously bragged about his relationship with one-third of the Supreme Court, discussed with Justice Scalia “whether Senate Republicans, then in a contentious fight over judicial confirmations, should abolish the filibuster to move forward.”<sup>199</sup> According to materials Mr. Arkley provided to the Committee, Leonard Leo was also a guest on this trip and flew with Justice Scalia and lodged with the party.<sup>200</sup> Mr. Arkley confirmed that he paid “all expenses” for his guests on this “four to five day” trip.<sup>201</sup>

## 2006

- In September 2005, Justice Scalia missed the swearing in of Chief Justice Roberts to provide a lecture funded by the Federalist Society at the Ritz-Carlton luxury resort in Bachelor Gulch, Colorado. During this trip, he also participated in a fly-fishing

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<sup>190</sup> *Id.* at 3.

<sup>191</sup> *Id.* at 33.

<sup>192</sup> *Id.*

<sup>193</sup> See Antonin Scalia, *Financial Disclosure Report for Calendar Year 2005* (Aug. 8, 2006), Appendix J, Key Document D.

<sup>194</sup> Justin Elliot, Joshua Kaplan & Alex Mierjeski, *Justice Samuel Alito Took Luxury Fishing Vacation With GOP Billionaire Who Later Had Cases Before the Court*, PROPUBLICA (Jun. 20, 2023), <https://www.propublica.org/article/samuel-alito-luxury-fishing-trip-paul-singer-scotus-supreme-court>.

<sup>195</sup> *Id.*

<sup>196</sup> See *Financial Disclosure Report for Calendar Year 2005*.

<sup>197</sup> Elliot, Kaplan & Mierjeski, *supra* note 194.

<sup>198</sup> *Id.*

<sup>199</sup> *Id.*

<sup>200</sup> Letter from Samuel E. Clark, Erickson & Sederstrom PC, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Robin P. Arkley, II (Nov. 6, 2023).

<sup>201</sup> *Id.*

expedition. Justice Scalia reported the reimbursement for transportation, food, and lodging for the lecture, but did not report the fly-fishing trip.<sup>202</sup>

## 2007

- In January 2007, Justice Scalia attended the Koch political network's annual retreat and fundraiser at a time when Koch was bankrolling several litigants with cases before the Supreme Court.<sup>203</sup> In 2011, Justice Scalia publicly acknowledged his speaking role at a dinner during this retreat. Justice Scalia's travel and accommodations for this engagement, according to a Supreme Court spokeswoman, "were paid by the Federalist Society, a conservative legal organization."<sup>204</sup> This event was not included on Justice Scalia's 2007 disclosure form.
- In April 2007, Justice Scalia gave a lecture at Stetson University College of Law, for which he was reimbursed for his transportation, according to his 2007 financial disclosure report.<sup>205</sup> However, after this engagement he also reportedly went on a hunting trip in Florida,<sup>206</sup> which does not appear on his financial disclosure report.<sup>207</sup>

## 2008

- In January 2008, Justice Scalia spoke at Mississippi State University in Starkville, Mississippi, and was reimbursed for his transportation, food, and lodging, according to his 2008 financial disclosure report.<sup>208</sup> This speech was organized by Bobby Shackouls, a graduate of Mississippi State, an operating executive at Carlyle Group, and the former CEO of Burlington Resources.<sup>209</sup> However, the day before the speech, Justice Scalia reportedly went on a hunting trip with former Judge Charles W. Pickering of the Southern District of Mississippi at the Fighting Bayou Hunting Club<sup>210</sup> in Leflore County, Mississippi, which was not disclosed.<sup>211</sup>

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<sup>202</sup> Rhonda Schwartz & David Scott, *Exclusive: Supreme Ethics Problem?*, ABC NEWS (Jan. 24, 2006), <https://abcnews.go.com/GMA/Investigation/story?id=1534470>.

<sup>203</sup> R. Jeffrey Smith, *Professors ask Congress for an ethics code for Supreme Court*, WASH. POST (Feb. 23, 2011), <https://www.washingtonpost.com/wp-dyn/content/article/2011/02/23/AR2011022304975.html>; Robert Barnes, *Supreme Court won't be fully represented*, WASH. POST (Jan. 25, 2011), <https://www.washingtonpost.com/wp-dyn/content/article/2011/01/24/AR2011012406917.html>.

<sup>204</sup> The Associated Press, *2 justices spoke at dinners hosted by donor Koch*, SAN DIEGO UNION-TRIBUNE (Jan. 20, 2011), <https://www.sandiegouniontribune.com/sdut-2-justices-spoke-at-dinners-hosted-by-donor-koch-2011jan20-story.html>.

<sup>205</sup> See Bruce, *supra* note 167, at 36; see also Antonin Scalia, *Financial Disclosure Report for Calendar Year 2007* (May 15, 2008) [hereinafter *Financial Disclosure Report for Calendar Year 2007*], Appendix J, Key Document E.

<sup>206</sup> Bruce, *supra* note 167, at 36.

<sup>207</sup> See *Financial Disclosure Report for Calendar Year 2007*.

<sup>208</sup> Bruce, *supra* note 167, at 22; see also Antonin Scalia, *Justice Scalia's Financial Disclosure Report for Calendar Year 2008* (May 15, 2009) [hereinafter *Financial Disclosure Report for Calendar Year 2008*], Appendix J, Key Document F.

<sup>209</sup> Bruce, *supra* note 167, at 22.

<sup>210</sup> The Fighting Bayou Hunting Club was owned by nine individuals, including "Arthur (Skip) Jernigan, a lawyer who is now the chairman of the board of Baptist Health Systems in Mississippi," and who "represented the Republican voters" in Judge Pickering's son's 2003 case before the Supreme Court and in another case involving the same issue in 2011. *Id.*

<sup>211</sup> *Id.*; see *Justice Scalia's Financial Disclosure Report for Calendar Year 2008*.

- In April 2008, Justice Scalia spoke at St. Mary’s University in San Antonio, Texas,<sup>212</sup> for which he was reimbursed for his transportation and food.<sup>213</sup> According to the *San Antonio Express-News*, he reportedly had a coinciding wild-turkey hunting trip, but no details about the trip have been made public.<sup>214</sup>
- In November 2008, Justice Scalia spoke at a lecture series at Texas Tech University.<sup>215</sup> Following this speaking engagement, Justice Scalia flew on a plane chartered by Mark Lanier, a lawyer and Texas Tech alumnus who underwrote the lecture series, to go hunting on a private ranch.<sup>216</sup> Then-Justice Sandra Day O’Connor reportedly told Lanier that Justice Scalia would “do anything if you take him hunting.”<sup>217</sup> Justice Scalia’s 2008 financial disclosure report indicates he was reimbursed for his transportation, food, and lodging for the lecture series but does not include the hunting trip.<sup>218</sup>

## 2009

- In January 2009, Justice Scalia continued his “pattern of combining speaking and hunting invitations” when he spoke at the Safari Club International convention.<sup>219</sup>
- In November 2009, Justice Scalia went on a hunting trip in Nebraska after giving a lecture at Creighton University.<sup>220</sup> His 2009 financial disclosure report indicates he was reimbursed for his transportation, food, and lodging, but does not include the hunting trip.<sup>221</sup> According to Patrick Borchers, a law professor at Creighton University, “[o]ne of the ways we were able to lure him out to Creighton [in 2009] was that we knew people with an acreage where he could hunt [pheasant].”
- According to Cobb County Superior Court Judge Gregory Poole, he, Justice Scalia, and other lawyers went on a guided hunting trip near Sylvester, Georgia in 2009.<sup>222</sup> There are no trips to Georgia reported on Justice Scalia’s 2009 financial disclosure report.<sup>223</sup>

## 2010

- In October 2010, Justice Scalia spoke at the St. Thomas More Society in Green Bay, Wisconsin.<sup>224</sup> To “entice” Justice Scalia to agree to the speaking engagement, the Bishop of the Catholic Dioceses of Green Bay later confirmed that he arranged for Justice Scalia to go hunting with “judges and lawyers” as an “additional incentive.”<sup>225</sup> Justice Scalia reportedly went duck hunting with Wisconsin Circuit Judge William Atkinson on his

<sup>212</sup> Bruce, *supra* note 167, at 19; *see also* Justice Scalia’s *Financial Disclosure Report for Calendar Year 2008*.

<sup>213</sup> Justice Scalia’s *Financial Disclosure Report for Calendar Year 2008*.

<sup>214</sup> Bruce, *supra* note 167, at 19–20.

<sup>215</sup> *Id.* at 13; Justice Scalia’s *Financial Disclosure Report for Calendar Year 2008*.

<sup>216</sup> Bruce, *supra* note 167, at 13.

<sup>217</sup> *Id.*

<sup>218</sup> *See* Justice Scalia’s *Financial Disclosure Report for Calendar Year 2008*.

<sup>219</sup> Bruce, *supra* note 167, at 14; *see also* Antonin Scalia, *Financial Disclosure Report for Calendar Year 2009* (May 15, 2010) [hereinafter *Financial Disclosure Report for Calendar Year 2009*], Appendix J, Key Document G.

<sup>220</sup> Bruce, *supra* note 167, at 36.

<sup>221</sup> *See* *Financial Disclosure Report for Calendar Year 2009*.

<sup>222</sup> Bruce, *supra* note 167, at 30.

<sup>223</sup> *See* *Financial Disclosure Report for Calendar Year 2009*.

<sup>224</sup> *See* Antonin Scalia, *Financial Disclosure Report for Calendar Year 2010* (May 13, 2011) [hereinafter *Financial Disclosure Report for Calendar Year 2010*], Appendix J, Key Document H; *see also* Bruce, *supra* note 167, at 14.

<sup>225</sup> Bruce, *supra* note 167, at 14.

property called Little Tail Point.<sup>226</sup> Justice Scalia's 2010 financial disclosure report indicates he was reimbursed for his transportation and food related to the speaking engagement, but does not include the hunting trip.<sup>227</sup>

- In March 2010, Justice Scalia went on a guided hunting trip in Virginia with Judge Henry Hudson of the Eastern District of Virginia and other "high-power lawyers."<sup>228</sup> Justice Scalia did not report any travel in the month of March on his 2010 financial disclosure report.<sup>229</sup> Notably, Judge Hudson ruled in December 2010 that the Affordable Care Act's insurance mandate was unconstitutional.<sup>230</sup> In June 2012, Justice Scalia took the same position.<sup>231</sup>

## 2012

- In 2012, Justice Scalia reportedly went on a hunting trip to Doug's Lodge in Klondike, Louisiana, which is owned by Doug and Mary Sonnier.<sup>232</sup> This trip does not appear on Justice Scalia's 2012 financial disclosure report.<sup>233</sup>
- In February 2012, Justice Scalia continued his "pattern of combining speaking and hunting invitations" when he spoke at the National Wild Turkey Federation (NWRT) convention.<sup>234</sup> Mandy and Jonathon Harling, both of whom worked for NWRT, hosted Justice Scalia for a hunting trip in Edgefield, South Carolina, where NWRT's headquarters are located. According to his 2012 financial disclosure report, Justice Scalia was reimbursed for his transportation, food, and lodging.<sup>235</sup> However, no hunting trip is mentioned.<sup>236</sup>
- In the fall of 2012, according to Justice Kagan, she and Justice Scalia went hunting for deer and antelope in Wyoming.<sup>237</sup> However, she did not indicate if anyone hosted them or if anyone else was in the hunting party.<sup>238</sup> Justice Scalia's 2012 financial disclosure report includes reimbursement for transportation and food relating to an October 2012 trip to Laramie, Wyoming to give a lecture at the Federalist Society; it does not include a hunting trip.<sup>239</sup> Justice Kagan's 2012 financial disclosure form does not list this trip or any other hunting trips with Justice Scalia.

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<sup>226</sup> *Id.* at 35.

<sup>227</sup> See *Financial Disclosure Report for Calendar Year 2010*.

<sup>228</sup> Bruce, *supra* note 167, at 28–29.

<sup>229</sup> See *Financial Disclosure Report for Calendar Year 2010*.

<sup>230</sup> Bruce, *supra* note 167, at 29.

<sup>231</sup> *Id.*

<sup>232</sup> *Id.* at 28.

<sup>233</sup> See Antonin Scalia, *Financial Disclosure Report for Calendar Year 2012* (May 15, 2013) [hereinafter *Financial Disclosure Report for Calendar Year 2012*], Appendix J, Key Document I.

<sup>234</sup> Bruce, *supra* note 167, at 14; see also *Financial Disclosure Report for Calendar Year 2012*.

<sup>235</sup> *Financial Disclosure Report for Calendar Year 2012*.

<sup>236</sup> See *id.*

<sup>237</sup> Bruce, *supra* note 167, at 33.

<sup>238</sup> *Id.*

<sup>239</sup> See *Financial Disclosure Report for Calendar Year 2012*.

## 2013

- In January 2013, Justice Scalia gave a speech at the First Baptist Church of Jackson, Mississippi.<sup>240</sup> Judge Pickering was a deacon at this church.<sup>241</sup> While the church paid for Justice Scalia’s travel, Judge Pickering planned a coinciding hunting trip.<sup>242</sup> According to Judge Pickering, Justice Scalia only accepted his invitations to speak in Mississippi once he added a hunting trip to the offer.<sup>243</sup> Justice Scalia’s 2013 financial disclosure report indicates he was reimbursed for transportation and food but does not include the hunting trip.<sup>244</sup>
- In April 2013, Justice Scalia traveled to Vero Beach, Florida to give a speech to the John’s Island Club, “an exclusive gated community.”<sup>245</sup> Notably, the developer of the John’s Island Club, the Lost Tree Village Corp., had been involved in litigation with the federal government since 2008,<sup>246</sup> and was represented by Greenberg Traurig, where Justice Scalia’s son was a partner until 2013.<sup>247</sup> Following his speaking engagement, Justice Scalia went on a hunting trip on Brahma Island on Lake Kissimmee, which spans 3,300 acres and can only be accessed by boat.<sup>248</sup> Justice Scalia was hosted by the owners of this private island, Cary and Layne Lightsey.<sup>249</sup> Justice Scalia’s 2013 financial disclosure report indicates he was reimbursed for the transportation and food for his speaking engagement, but does not include the hunting trip.<sup>250</sup>
- In November 2013, Justice Scalia went on another guided hunting trip in Virginia with Judge Henry Hudson and other “high-power lawyers”—similar to his hunting trip in May 2010.<sup>251</sup> Justice Scalia’s 2013 financial disclosure report does not include any trips in Virginia for the month of November according to.<sup>252</sup>
- In December 2013, Justice Scalia spoke at the University of Memphis,<sup>253</sup> as reported on his 2013 financial disclosure report.<sup>254</sup> However, he did not include in his report a subsequent hunting trip to Galena Plantation, a private hunting lodge in Holly Springs, Mississippi.<sup>255</sup> Justice Scalia’s son and grandson, and Judge Pickering joined him on this trip.<sup>256</sup>

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<sup>240</sup> Bruce, *supra* note 167, at 12.

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

<sup>243</sup> *Id.* at 13.

<sup>244</sup> See Antonin Scalia, *Financial Disclosure Report for Calendar Year 2013* (May 15, 2014) [hereinafter *Financial Disclosure Report for Calendar Year 2013*], Appendix J, Key Document J.

<sup>245</sup> Bruce, *supra* note 167, at 31; see also *Financial Disclosure Report for Calendar Year 2013*.

<sup>246</sup> Bruce, *supra* note 167, at 31.

<sup>247</sup> *Id.*

<sup>248</sup> *Id.*

<sup>249</sup> *Id.*

<sup>250</sup> See *Financial Disclosure Report for Calendar Year 2013*.

<sup>251</sup> Bruce, *supra* note 167, at 28–29.

<sup>252</sup> See *Financial Disclosure Report for Calendar Year 2013*.

<sup>253</sup> Bruce, *supra* note 167, at 24; see also *Financial Disclosure Report for Calendar Year 2013*.

<sup>254</sup> *Financial Disclosure Report for Calendar Year 2013*.

<sup>255</sup> Bruce, *supra* note 167, at 22; see also *Financial Disclosure Report for Calendar Year 2013*.

<sup>256</sup> *Id.* at 23.

## 2014

- Justice Scalia continued his “pattern of combining speaking and hunting invitations” when he spoke at the Ducks Unlimited convention in St. Louis, Missouri in May 2014.<sup>257</sup>
- In December 2014, Justice Scalia went on another undisclosed trip to the Galena Plantation in Mississippi.<sup>258</sup> The trip followed a speaking engagement at the University of Mississippi.<sup>259</sup> Justice Kagan joined Justice Scalia for both the speaking engagement and hunting trip. Both reported being reimbursed for the speaking engagement on their 2014 financial disclosure reports, but neither included the hunting trip.<sup>260</sup>
- Justice Scalia spoke at a constitutional symposium in Atlanta, Georgia.<sup>261</sup> When Ken Shigley and Charles Ruffin, President-elect of the Georgia Bar at the time, initially asked Justice Scalia to participate, he responded that “I’ve always enjoyed hunting quail in Georgia.”<sup>262</sup> Accordingly, a quail hunting trip for Justice Scalia was planned at the Rio Piedra Plantation, in Camilla, Georgia, where it costs \$2,500 for a two-night stay.<sup>263</sup> David Nahmias, then-Georgia Supreme Court Justice and former law clerk for Justice Scalia, reportedly helped seal the deal on this trip and stated that “[t]he way you got Justice Scalia to speak was to offer him a good hunting trip.”<sup>264</sup> Justice Scalia’s 2014 financial disclosure report shows he was reimbursed for transportation, food, and lodging, but does not include the hunting trip.<sup>265</sup>
- Justice Scalia was also hosted by James Farrenkopf, owner of a credit and collections business and leader of the Tea Party in Wyoming and Nebraska, for a hunting trip on his land in Western Nebraska.<sup>266</sup> There is no trip to Nebraska reported on Justice Scalia’s 2014 financial disclosure report.<sup>267</sup>

## 2015-2016

- Justice Scalia went on several similar trips in 2015 and 2016. Because he died prior to the filing deadline for his 2015 financial disclosure report, there are no financial disclosures for either year. For completeness, these trips are included in Appendix K.

### **B. Justice Clarence Thomas Flouted Federal Law by Failing to Disclose Millions of Dollars in Gifts and Other Items of Value**

Since April 2023, *ProPublica* and other outlets have published several reports outlining millions of dollars in gifts and other income that Justice Thomas has received during his time on the Court. While the nature and extent of the gifts identified in these reports are shocking, Justice Thomas has faced criticism for violating his ethical obligations by accepting inappropriate gifts

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<sup>257</sup> *Id.* at 14; see also Antonin Scalia, *Justice Scalia’s Financial Disclosure Report for Calendar Year 2014* (May 15, 2014) [hereinafter *Financial Disclosure Report for Calendar Year 2014*], Appendix J, Key Document K.

<sup>258</sup> Bruce, *supra* note 167, at 23.

<sup>259</sup> *Id.*

<sup>260</sup> *Justice Scalia’s Financial Disclosure Report for Calendar Year 2014*.

<sup>261</sup> Bruce, *supra* note 167, at 12.

<sup>262</sup> *Id.* at 12–13.

<sup>263</sup> *Id.* at 13, 30.

<sup>264</sup> *Id.* at 13.

<sup>265</sup> See *Justice Scalia’s Financial Disclosure Report for Calendar Year 2014*.

<sup>266</sup> Bruce, *supra* note 167, at 34.

<sup>267</sup> See *Justice Scalia’s Financial Disclosure Report for Calendar Year 2014*.



for decades. Confirmed in 1991, Justice Thomas began accepting lavish gifts from billionaires and their corporate entities as early as 1992. While in his early years on the Court he disclosed some of these gifts as required by law, after receiving scrutiny in 2004, Justice Thomas stopped disclosing the vast majority of gifts he received. This section will catalogue these violations of federal gift disclosure requirements.

Justice Thomas has accepted largesse from benefactors in amounts that have no comparison in modern American history. These benefactors are billionaires whom, with one exception, he has met since becoming an Associate Justice of the Supreme Court. Many of these benefactors have business before the Court during Justice Thomas's tenure. Additionally, Justice Thomas's wife, Ginni Thomas, makes a living supporting individuals and organizations that regularly have business before the Court, and there are substantial allegations that her work has been used as a cover to funnel money to the couple by those who seek to influence the Court's decisions.

In 2000, Justice Thomas reportedly told then-Representative Cliff Stearns that Congress should raise the salary for the justices "or one or more justices will leave soon."<sup>268</sup> Notably, the justices' salaries at the time were in the top five percent of income in the United States.<sup>269</sup> Today, the justices' salaries remain in the top 10 percent of income nationwide.<sup>270</sup> For Justice Thomas's entire tenure as a judge on the D.C. Circuit and the U.S. Supreme Court, he has earned more money in salary than most Americans will ever see. As the graph below illustrates, his income as an Associate Justice has been higher than every cabinet secretary during his entire time on the Court and is currently higher than the salary for the Vice President. His salary puts the scale of the largesse Justice Thomas has accepted in even greater relief, because, while he does not come from wealth, his time as a jurist has not left him wanting financially.

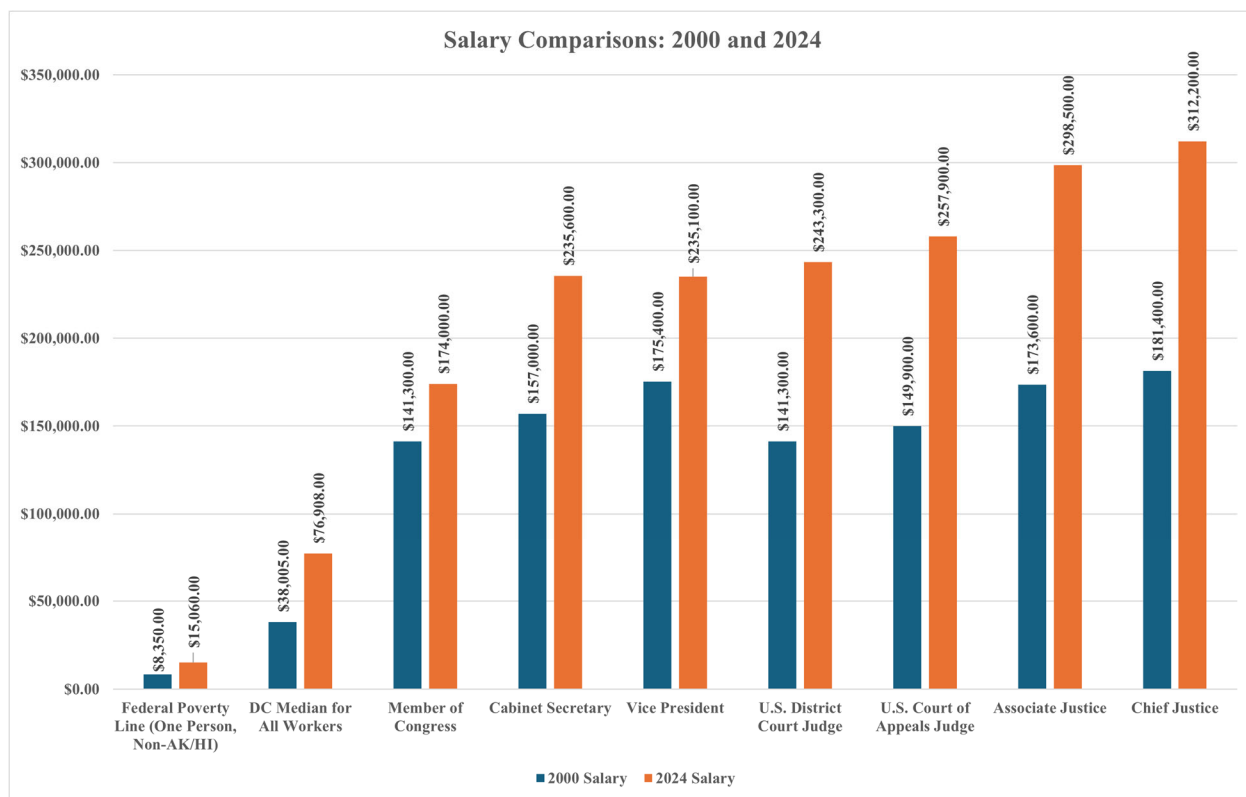
**“Justice Thomas has accepted largesse from benefactors in amounts that have no comparison in modern American history.”**

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<sup>268</sup> Justin Elliott, Joshua Kaplan, Alex Mierjeski & Brett Murphy, *A “Delicate Matter”: Clarence Thomas’ Private Complaints About Money Sparked Fears He Would Resign*, PROPUBLICA (Dec. 18, 2023), <https://www.propublica.org/article/clarence-thomas-money-complaints-sparked-resignation-fears-scotus>.

<sup>269</sup> In 2000, households in the 95<sup>th</sup> percentile received \$145,526 in income. Carmen DeNavas-Walt, Robert W. Cleveland & Marc I. Roemer, U.S. Census Bureau, *Money Income in the United States: 2000*, 7 (Sep. 2001).

<sup>270</sup> Gloria Guzman & Melissa Kollar, U.S. Census Bureau, *Income in the United States: 2023*, 32 (Sep. 2024).



## 1. Justice Thomas Accepted and Failed to Report Gifts of Luxury Travel Worth Millions of Dollars

Much of the largesse Justice Thomas has received has been in the form of luxury travel, including by private jet and yacht, and luxury accommodations, all provided by his billionaire benefactors. The value of these gifts is difficult to calculate, particularly because the majority of luxury travel Justice Thomas has accepted over the last two decades remains undisclosed, but some estimates place the value over \$4.75 million.<sup>271</sup>

### i. Justice Thomas's Decision to Stop Disclosing Gifts of Transportation and Lodging as Required by Law

On December 31, 2004, the *Los Angeles Times* made one of the first reports of excessive gifts accepted by Justice Thomas, including the lavish travel and lodging he received from billionaire benefactors such as Mr. Crow.<sup>272</sup> Covering 1998 through 2003, these include:

- a Bible once owned by Frederick Douglas, valued at \$19,000, from Mr. Crow;
- a bust of President Lincoln, valued at \$15,000, from the American Enterprise Institute;

<sup>271</sup> *A Staggering Tally: Supreme Court Justices Accepted Hundreds of Gifts Worth Millions of Dollars*, FIX THE COURT (Jun. 6, 2024), <https://fixthecourt.com/2024/06/a-staggering-tally-supreme-court-justices-accepted-hundreds-of-gifts-worth-millions-of-dollars/>.

<sup>272</sup> Richard A. Serrano & David G. Savage, *Justice Thomas Reports Wealth of Gifts*, L.A. TIMES (Dec. 31, 2004), <https://www.latimes.com/archives/la-xpm-2004-dec-31-na-gifts31-story.html>.

- a \$5,000 cash gift from former Republican Florida state legislator Earl Dixon to “defray” the education costs of Justice Thomas’s grandnephew;
- \$1,200 worth of batteries from former law clerks;
- \$1,200 worth of tires from a trucking executive in Omaha, Nebraska;
- A Daytona 500 commemorative jacket, valued at \$800.<sup>273</sup>

The total approximate value of the gifts Justice Thomas received over this six-year period was \$42,200.<sup>274</sup> This is over eight times higher than the justice who received the second highest value of gifts during that same time period, Justice O’Connor.<sup>275</sup> Four justices did not report receiving any gifts during this period.<sup>276</sup>

The 2004 article included commentary from legal ethicists questioning the propriety of these gifts and arguing for strengthening ethics rules for the judiciary. Professor John Yoo, a former Justice Department official during the George W. Bush Administration, was the lone voice who defended Justice Thomas, arguing “[i]f one of these people were to appear before the Supreme Court, Justice Thomas would recuse himself.”<sup>277</sup> Unfortunately, Justice Thomas’ behavior in the following 20 years proved this prediction wrong.

This reporting was based entirely on six annual disclosures Justice Thomas submitted for his first 13 years on the Court.<sup>278</sup> Contrary to Justice Thomas’s later claims, over the course of those 13 years, he understood that “free plane trips and accommodations from friends” to Bohemian Grove and \$5,000 checks for his grandnephew’s tuition were to be included on his yearly financial disclosure forms.<sup>279</sup> After the article brought public scrutiny to Justice Thomas’s questionable conduct, he continued the conduct but simply stopped disclosing these items.<sup>280</sup> There is no reasonable explanation for this change in behavior other than Justice Thomas deciding that he would no longer adhere to federal disclosure requirements.

There are several additional extravagant gifts that the 2004 article did not report. Justice Thomas also received and at least partially reported the following prior to 2004:

- 1992: Dallas Cowboys owner Jerry Jones flew Justice Thomas roundtrip from the Washington, D.C. area to Dallas, Texas, on his private jet and provided Justice Thomas tickets to a Dallas Cowboys’ game.<sup>281</sup>

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<sup>273</sup> *Id.*

<sup>274</sup> *Id.*

<sup>275</sup> *Id.*

<sup>276</sup> Justices Breyer, Kennedy, Souter, and Stevens. *Id.*

<sup>277</sup> Serrano & Savage, *supra* note 272.

<sup>278</sup> *Id.*

<sup>279</sup> *Id.*

<sup>280</sup> David G. Savage, *Los Angeles Times reported about Justice Thomas’ gifts 20 years ago. After that he stopped disclosing them*, L.A. TIMES (Apr. 6, 2023), <https://www.latimes.com/politics/story/2023-04-06/the-times-reported-about-justice-thomas-gifts-20-years-ago-after-he-just-stopped-disclosing-them>.

<sup>281</sup> Todd J. Gillman, *Dallas Cowboys Super Bowl ring Jerry Jones gave Clarence Thomas could be worth \$100k*, DALLAS MORNING NEWS (Jul. 17, 2023), <https://www.dallasnews.com/news/politics/2023/07/17/dallas-cowboys-super-bowl-ring-jerry-jones-gave-clarence-thomas-could-be-worth-100k/>.

- 1994: Mr. Jones gifted Justice Thomas a replica Super Bowl ring.<sup>282</sup> In 2023, the estimated value for such a ring was \$30,000 to \$50,000; Justice Thomas listed the value of the ring as \$200 in his 1994 disclosure.<sup>283</sup>
- 1999: An unknown source flew Justice Thomas roundtrip from the Washington, D.C. area to Daytona, Florida, on a private jet and provided lodging for the Daytona 500.<sup>284</sup>

Justice Thomas potentially mislabeled gifted private jet travel on disclosures several times prior to 2004. For instance, his 2003 disclosure includes a “reimbursement” from Nova Southeastern University for “transportation, meals and accommodations/speech.” However, the *Tampa Bay Times* reported that the plane Justice Thomas flew on was not commercial, but was a “Gulfstream 4 bearing a large Miami Dolphins logo on the tail,” indicating Justice Thomas flew on the private jet of either Miami Dolphins owner H. Wayne Huizenga or the franchise itself.<sup>285</sup> Justice Thomas went to the university for an event related to “a lecture series at the H. Wayne Huizenga School of Business and Entrepreneurship.”<sup>286</sup> Justice Thomas appears to have received free private jet travel, which he differentiated from commercial travel and mislabeled as reimbursements from universities or other entities he visited that are not likely to provide private jet travel, on the following occasions:

- 2000: A roundtrip “private plane” flight from the Washington, D.C. area to visit Drake University in Des Moines, Iowa.<sup>287</sup>
- 2000: A roundtrip “private plane” flight from the Washington, D.C. area to visit Culver Stockton College in Canton, Missouri.<sup>288</sup>
- 2000: A roundtrip “private plane” flight from the Washington, D.C. area to visit the Oklahoma Council of Public Affairs in Oklahoma City, Oklahoma.<sup>289</sup>
- 2000: A one-way “private plane” flight from the Washington, D.C. area to visit Hillsdale College in Hillsdale, Michigan, followed by another set of “private plane” flights to visit the University of Louisville in Louisville, Kentucky, and then back to the Washington, D.C. area.<sup>290</sup>
- 2002: A roundtrip “private plane” flight from the Washington, D.C. area to visit Drake University in Des Moines, Iowa.<sup>291</sup>

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<sup>282</sup> *Id.*

<sup>283</sup> *Id.*; see also Jeffrey May, *How much do the Super Bowl rings cost? What are they made of?*, AS (Feb. 12, 2023), <https://en.as.com/nfl/how-much-do-the-super-bowl-rings-cost-what-are-they-made-of-n/>.

<sup>284</sup> Brett Murphy & Alex Mierjeski, *Clarence Thomas’s 38 Vacations: The Other Billionaires Who Have Treated the Supreme Court Justice to Luxury Travel*, PROPUBLICA (Aug. 10, 2023), <https://www.propublica.org/article/clarence-thomas-other-billionaires-sokol-huizenga-novelly-supreme-court>.

<sup>285</sup> Molly Moorhead, *Zephyrhills greets another celebrity: Clarence Thomas*, TAMPA BAY TIMES (May 8, 2003), <https://www.tampabay.com/archive/2003/05/08/zephyrhills-greets-another-celebrity-clarence-thomas/>.

<sup>286</sup> *Id.*

<sup>287</sup> Clarence Thomas, *Financial Disclosure Report for Calendar Year 2000* (May 15, 2001), at 2, Appendix J, Key Document N.

<sup>288</sup> *Id.*

<sup>289</sup> *Id.*

<sup>290</sup> *Id.* at 5.

<sup>291</sup> Clarence Thomas, *Financial Disclosure Report for Calendar Year 2002* (May 15, 2003), at 2, Appendix J, Key Document O.

- 2002: A roundtrip “private plane” flight from the Washington, D.C. area to visit the Omaha Chamber of Commerce in Omaha, Nebraska.<sup>292</sup>
- 2002: A roundtrip “private plane” flight from the Washington, D.C. area to visit St. Benedict’s Preparatory School in Newark, New Jersey.<sup>293</sup>
- 2002: A roundtrip “private plane” flight from the Washington, D.C. area to visit Campbell University Norman Adrian Wiggins School of Law in its former location in Buies Creek, North Carolina.<sup>294</sup>
- 2002: A roundtrip “private plane” flight from the Washington, D.C. area to visit the Georgia State Bar Annual Meeting in Amelia Island, Florida.<sup>295</sup>

## ii. Timeline of Undisclosed Gifts of Transportation and Lodging

The following timeline lists the known gifts of transportation and lodging that Justice Thomas failed to disclose in the relevant filing year (certain items were subsequently disclosed in amended filings after investigative reporting or the Committee first made them public). This timeline is non-comprehensive because Justice Thomas continues to violate federal law by refusing to disclose all relevant gifts of transportation and lodging.

### 2007

- March: Mr. Crow hosted Justice Thomas on his superyacht, the *Michaela Rose*, on a trip through the Greek Islands.<sup>296</sup>

### 2008

- April: Mr. Crow flew Justice Thomas to Savannah, Georgia, on his private jet and provided round-trip accommodations from Savannah to Charleston, South Carolina, on his yacht, the *Michaela Rose*.<sup>297</sup>

### 2010

- November 19-27: Mr. Crow flew Justice Thomas roundtrip on his private jet from Hawaii to New Zealand, where they sailed for a week on the *Michaela Rose*.<sup>298</sup>

### 2016

- February 11: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to New Haven, Connecticut, on his private jet for a day trip.<sup>299</sup>

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<sup>292</sup> *Id.*

<sup>293</sup> *Id.*

<sup>294</sup> *Id.*

<sup>295</sup> *Id.*

<sup>296</sup> Kaplan, Elliott & Mierjeski, *supra* note 1.

<sup>297</sup> *Id.*; Mike McIntire, *Friendship of Justice and Magnate Puts Focus on Ethics*, N.Y. TIMES (Jun. 18, 2011), <https://www.nytimes.com/2011/06/19/us/politics/19thomas.html>.

<sup>298</sup> Letter from the Honorable Ron Wyden, Chair, Senate Committee on Finance, to Michael D. Bopp, Gibson, Dunn & Crutcher LLP (Aug. 5, 2024), <https://www.finance.senate.gov/chairmans-news/wyden-uncovers-private-jet-travel-still-undisclosed-by-justice-thomas-demands-travel-records-from-thomas-benefactor-harlan-crow>; Kaplan, Elliott & Mierjeski, *supra* note 1.

<sup>299</sup> Kaplan, Elliott & Mierjeski, *supra* note 1.

- August 22: Mr. Novelty flew Justice Thomas one-way from Jackson Hole, Wyoming, to Washington, D.C. on his private jet after a social function for members of the Horatio Alger Association.<sup>300</sup>

## 2017

- May 7-9: Mr. Crow flew Justice Thomas from St. Louis, Missouri, to Kalispell, Montana, and then to Dallas, Texas, on his private jet.<sup>301</sup>
- July 10-15: Mr. Crow hosted Justice Thomas at Camp Topridge.<sup>302</sup>
- July 20-23: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to Santa Rosa, California, and provided lodging at the private, all-male resort Bohemian Grove.<sup>303</sup>

## 2018

- January 3-5: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to Dallas, Texas, on his private jet.<sup>304</sup>
- January 25-28<sup>305</sup>: An unknown source flew Justice Thomas on a chartered plane from an unverified location to Palm Springs, California, to attend the Koch brothers' political network's annual retreat.<sup>306</sup>
- March 30: Mr. Novelty flew Justice Thomas one-way from Ft. Lauderdale, Florida, to Washington, D.C. on his private jet after the funeral service for a member of the Horatio Alger Association.<sup>307</sup>
- July 3-10: Mr. Crow hosted Justice Thomas at Camp Topridge.<sup>308</sup>

## 2019

- March 23: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to Savannah, Georgia, on his private jet for a day trip.<sup>309</sup>

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<sup>300</sup> Letter from Dennis J. Block, Greenberg Traurig, LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Anthony Novelty (Oct. 31, 2023). Senator Joe Manchin was also on this flight, and was dropped off in Charleston, West Virginia. *Id.*

<sup>301</sup> Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 4, 2024).

<sup>302</sup> *Id.*

<sup>303</sup> *Id.*

<sup>304</sup> *Id.*

<sup>305</sup> Date approximated based on reporting. See James Hohmann & Michelle Ye Hee Lee, *How the Koch network learned to thrive in the Trump era*, WASH. POST (Jan. 29, 2018), [https://www.washingtonpost.com/politics/how-the-koch-network-learned-to-thrive-in-the-trump-era/2018/01/28/f71979d0-0448-11e8-b48c-b07fea957bd5\\_story.html](https://www.washingtonpost.com/politics/how-the-koch-network-learned-to-thrive-in-the-trump-era/2018/01/28/f71979d0-0448-11e8-b48c-b07fea957bd5_story.html).

<sup>306</sup> Joshua Kaplan, Justin Elliott & Alex Mierjeski, *Clarence Thomas Secretly Participated in Koch Network Donor Events*, PROPUBLICA (Sep. 22, 2023), <https://www.propublica.org/article/clarence-thomas-secretly-attended-koch-brothers-donor-events-scotus>.

<sup>307</sup> Letter from Dennis J. Block, Greenberg Traurig, LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Anthony Novelty (Oct. 31, 2023).

<sup>308</sup> Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 4, 2024).

<sup>309</sup> *Id.*

- July 1-9: Mr. Crow flew Justice Thomas roundtrip on his private jet from the Washington, D.C. area to Indonesia, where they sailed for a week on the *Michaela Rose*, and Mr. Crow provided hotel lodging for their final night before returning.<sup>310</sup>
  - Justice Thomas amended his 2019 disclosure in 2024 to include only the hotel lodging—not the private jet and yacht travel—provided by Mr. Crow. However, Justice Thomas incorrectly reported that this occurred on July 12,<sup>311</sup> which only raises further questions about Justice Thomas accurately disclosing required information.
- July 18-21: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to Santa Rosa, California, on his private jet and hosted Justice Thomas at Bohemian Grove.<sup>312</sup>
  - Justice Thomas amended his 2019 disclosure to include only the lodging at Bohemian Grove. He did not disclose the private jet travel provided by Mr. Crow.<sup>313</sup>
- July 22-26: Mr. Crow hosted Justice Thomas at Camp Topridge.<sup>314</sup>
- August 31: Mr. Sokol flew Justice Thomas on his private jet from the Washington, D.C. area to Lincoln, Nebraska, where Justice Thomas was treated to former Republican Congressman Tom Osborne’s skybox to watch a University of Nebraska football game and volleyball game.<sup>315</sup>
- September 1: Mr. Sokol flew Justice Thomas from Lincoln, Nebraska, to Jackson Hole, Wyoming, on his private jet and hosted Justice Thomas at Paintbrush Ranch.<sup>316</sup>

## 2020

- July 28-August 2: Mr. Crow hosted Justice Thomas at Camp Topridge.<sup>317</sup>

## 2021

- June 29: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to San Jose, California, on his private jet for a day trip.<sup>318</sup>
- July 2-7: Mr. Crow flew Justice Thomas from Omaha, Nebraska, to Saranac, New York, on his private jet and hosted him at Camp Topridge.<sup>319</sup>

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<sup>310</sup> *Id.*

<sup>311</sup> Clarence Thomas, *Financial Disclosure Report for Calendar Year 2023* (May 15, 2024) [hereinafter *Financial Disclosure Report for Calendar Year 2023*] at 7, Appendix J, Key Document S.

<sup>312</sup> Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 4, 2024).

<sup>313</sup> *Financial Disclosure Report for Calendar Year 2023*.

<sup>314</sup> Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 4, 2024).

<sup>315</sup> Murphy & Mierjeski, *supra* note 284.

<sup>316</sup> *Id.*

<sup>317</sup> *Id.*

<sup>318</sup> *Id.*

<sup>319</sup> *Id.*

- October 16-17: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to Teterboro, New Jersey, for the dedication of a statue, and hosted him in New York on the *Michaela Rose*.<sup>320</sup>

## 2022

- February 5: Mr. Crow flew Justice Thomas from Dallas, Texas, to the Washington, D.C. area on his private jet.<sup>321</sup>
- May 12-14: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to Dallas, Texas, on his private jet.<sup>322</sup>
- July 7-13: Mr. Crow flew Justice Thomas roundtrip from the Washington, D.C. area to Saranac, New York, and hosted him at Camp Topridge.<sup>323</sup>

## 2023

- July 12-18: Mr. Crow hosted Justice Thomas at Camp Topridge.<sup>324</sup>

## Unknown Dates

- Mr. Crow hosted Justice Thomas on the *Michaela Rose* for a cruise around Russia and the Baltics, which included a helicopter tour in St. Petersburg, Russia.<sup>325</sup>
- Mr. Crow hosted Justice Thomas on the *Michaela Rose* for a cruise around the Caribbean.<sup>326</sup>
- H. Wayne Huizenga twice flew Justice Thomas to Ft. Lauderdale, Florida, on his private jet.<sup>327</sup>
- Mr. Novelty hosted Justice Thomas on his superyacht, *Le Montrachet*, in the Bahamas.<sup>328</sup> (Note: Mr. Novelty disputes this claim, writing to the Committee: “any claims made by what your letter characterized as ‘investigative reporting’ sources regarding the presence of Justice Thomas on a yacht owned by Mr. Novelty travelling in the Bahamas are false. Mr. Novelty is not aware of any basis whatsoever to support any suggestion or claim of yacht trips or vacations provided by him to Justice Thomas.”<sup>329</sup> On January 9, 2024, *ProPublica* updated its original report to acknowledge Mr. Novelty’s dispute of their claim. In the update, *ProPublica* provided “new reporting of an additional witness who

<sup>320</sup> *Id.*; see also Maxim Almenas, *Beloved Franciscan sister, a life-long mentor of Justice Thomas, honored with New Jersey cemetery statue*, JERSEY CATHOLIC (Nov. 16, 2021), <https://jerseycatholic.org/beloved-franciscan-sister-a-life-long-mentor-of-justice-thomas-honored-with-new-jersey-cemetery-statue>.

<sup>321</sup> Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 4, 2024).

<sup>322</sup> *Id.*

<sup>323</sup> *Id.*

<sup>324</sup> *Id.*

<sup>325</sup> Joshua Kaplan, Justin Elliot & Alex Mierjeski, *Clarence Thomas Had a Child in Private School. Harlan Crow Paid the Tuition.*, PROPUBLICA (May 4, 2023), <https://www.propublica.org/article/clarence-thomas-harlan-crow-private-school-tuition-scotus>.

<sup>326</sup> *Id.*

<sup>327</sup> Murphy & Mierjeski, *supra* note 284.

<sup>328</sup> *Id.*

<sup>329</sup> Letter from Dennis J. Block, Greenberg Traurig, LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Anthony Novelty (Oct. 31, 2023).



recalled seeing Justice Clarence Thomas aboard one of Novelty's yachts in the Bahamas" and noted that the outlet reached out to Mr. Novelty, Justice Thomas, and their attorneys for comment about these updates, but "they did not respond."<sup>330</sup>

## **2. Justice Thomas Failed to Report the Sale of His Georgia Properties to Billionaire Harlan Crow**

On April 13, 2023, *ProPublica* reported that Justice Thomas did not disclose the income he received from the 2014 sale of three properties in Savannah, Georgia that he jointly owned with his relatives, including his mother's home.<sup>331</sup> The properties were sold to Mr. Crow. Although Mr. Crow owns the properties, Justice Thomas's mother continues to live in her home rent-free, and Mr. Crow has paid for "tens of thousands of dollars of improvements" to the property.<sup>332</sup> After these revelations, Justice Thomas amended his 2014 financial disclosure to include the income he earned from the sale of the Savannah properties. He claimed his failure to properly disclose this transaction was because he "inadvertently failed to realize that the 'sales transaction' for the final disposition of the three properties triggered a new reportable transaction in 2014, even though this sale resulted in a capital loss."<sup>333</sup>

In materials Mr. Crow made available to the Committee, he claimed "[a]t the time he initiated the discussion [to purchase the properties], Mr. Crow did not know that Justice Thomas had an ownership interest in the propert[ies]." However, by the time the sale was finalized, Mr. Crow did know of Justice Thomas's financial interest in the properties, because Justice Thomas was personally involved in several steps of the purchase, including signing the warranty deed on October 15, 2014 ("the 23rd anniversary of Thomas' Oct. 15 confirmation to the Supreme Court"),<sup>334</sup> and the residential sales agreement on October 21, 2014.<sup>335</sup> Because the documents do not indicate this, the Committee subsequently pressed Mr. Crow on when he became aware of Justice Thomas's financial interest in these properties, and he was unable to provide an approximate timeframe. While the precise timing of Mr. Crow's knowledge may illuminate any potential impropriety in this transaction, it nonetheless was Justice Thomas, not Mr. Crow, who had a legal obligation to disclose this transaction, which he did not.

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<sup>330</sup> Murphy & Mierjeski, *supra* note 284.

<sup>331</sup> Justin Elliott, Joshua Kaplan & Alex Mierjeski, *Billionaire Harlan Crow Bought Property From Clarence Thomas. The Justice Didn't Disclose the Deal.*, *PROPUBLICA* (Apr. 13, 2023), <https://www.propublica.org/article/clarence-thomas-harlan-crow-real-estate-scotus>.

<sup>332</sup> *Id.*

<sup>333</sup> Clarence Thomas, *Financial Disclosure Report for Calendar Year 2022* (Aug. 9, 2023), at 8, Appendix J, Key Document Q.

<sup>334</sup> Elliott, Kaplan & Mierjeski, *supra* note 331.

<sup>335</sup> See Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (Jun. 4, 2024).

### 3. Justice Thomas Failed to Report His Wife's Income from the Heritage Foundation

Like his decision to stop properly disclosing gifts of transportation and lodging, Justice Thomas abruptly stopped reporting his wife's income for approximately 15 years after 1996.<sup>336</sup> In 2011, a watchdog group reported that Justice Thomas omitted five years of Ginni Thomas's employment income from the Heritage Foundation (2003 to 2007), worth \$686,589, on his financial disclosures.<sup>337</sup> Justice Thomas amended his reports in 2011 to disclose a total of \$1.6 million earned by Ms. Thomas since 1997, including income for work done on behalf of House Republicans.<sup>338</sup> He also amended the details about his wife's past employment going back to 1989, including employment with the Labor Department, former Representative Richard K. Armey (R-Tex.), The Heritage Foundation, and Hillsdale College. Justice Thomas explained that his wife's employment and income information was "inadvertently omitted due to a misunderstanding of the filing instructions."<sup>339</sup> This explanation does not comport with the facts. Justice Thomas consistently reported Ms. Thomas's income for the first five years of his tenure on the Court. There were no substantive intervening changes in federal law or on the financial disclosure form at any point between his 1991 confirmation and his 2011 amendment that would explain his decision to stop reporting Ms. Thomas's income.<sup>340</sup>

### 4. Justice Thomas Failed to Report His Forgiven RV Loan

In 1999, Justice Thomas received a personal loan from Anthony Welters, a health care CEO, to finance the purchase of a \$267,230 Prevost Le Mirage XL Marathon RV.<sup>341</sup> In August 2023, *The New York Times* revealed that this previously unknown loan was potentially substantially forgiven in 2008 by Mr. Welters, which would constitute income for Justice Thomas—income that he did not report on his 2008 financial disclosure form.<sup>342</sup> In response to this reporting, the Senate Finance Committee investigated this loan.<sup>343</sup> Their investigation found evidence that Justice Thomas may have only paid the interest on the loan, and not paid down the principal, for a number of years, and that in 2008 Mr. Welters forgave the remaining principal of the loan, which may have been equal to the original loan amount.<sup>344</sup> More than failing to disclose this income as required on his financial disclosure form, Justice Thomas may not have properly reported this income on his 2008 tax returns.<sup>345</sup>

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<sup>336</sup> Jennifer Epstein, *Thomas revises disclosure forms*, POLITICO (Jan. 24, 2011), <https://www.politico.com/story/2011/01/thomas-revises-disclosure-forms-048086>.

<sup>337</sup> Eric Lichtblau, *Thomas Cites Failure to Disclose Wife's Job*, N.Y. TIMES (Jan. 24, 2011), <https://www.nytimes.com/2011/01/25/us/politics/25thomas.html>.

<sup>338</sup> Epstein, *supra* note 336.

<sup>339</sup> Lichtblau, *supra* note 337.

<sup>340</sup> See AO Disclosure Form 1991 and AO Disclosure Form 2010, Appendix B, Key Documents I & J.

<sup>341</sup> Jo Becker & Julie Tate, *Clarence Thomas's \$267,230 R.V. and the Friend Who Financed It*, N.Y. TIMES (Aug. 5, 2023), <https://www.nytimes.com/2023/08/05/us/clarence-thomas-rv-anthony-welters.html>.

<sup>342</sup> *Id.*

<sup>343</sup> Memorandum from Finance Committee Democratic Staff to Chair Ron Wyden, Senate Committee on Finance (Oct. 25, 2023),

[https://www.finance.senate.gov/imo/media/doc/senate\\_finance\\_committee\\_welters\\_thomas\\_memo\\_102523.pdf](https://www.finance.senate.gov/imo/media/doc/senate_finance_committee_welters_thomas_memo_102523.pdf).

<sup>344</sup> *Id.* at 3.

<sup>345</sup> *Id.* at 5.

## 5. Justice Thomas Failed to Report the Tuition Payments Provided to His Grandnephew

Justice Thomas took legal custody of his grandnephew Mark Martin when he was six years old.<sup>346</sup> Mr. Martin lived with Justice Thomas and his wife in the Washington, D.C. area for almost a decade when Mr. Martin began attending Hidden Lake Academy, a private boarding school in Georgia where tuition ran more than \$6,000 a month.<sup>347</sup> According to a bank statement and witness interviews, Mr. Crow paid for Mr. Martin's tuition for the year he was enrolled at Hidden Lake. *ProPublica* reporting indicates that Mr. Crow also paid for Mr. Martin's tuition at his prior school, Randolph-Macon Academy.<sup>348</sup> Justice Thomas never disclosed these tuition payments on his financial disclosures for the applicable years, despite having disclosed a similar payment from Earl Dixon, as discussed in Section V.B.1.i.

### C. Defenses of Justice Thomas's Misconduct Misstate the Law and Defy Logic

An attorney for Justice Thomas, Elliot Berke, has issued statements and made claims in response to reports of Justice Thomas's ethical misconduct. Mr. Berke's public commentary on behalf of Justice Thomas has been consistently devoid of convincing evidence and sound legal reasoning, and it has failed to satisfactorily respond to concerns over Justice Thomas's conduct and his failure to follow the law.

The most extensive statement by Mr. Berke on behalf of Justice Thomas came in August 2023, after the Judicial Conference released Justice Thomas's financial disclosure report for 2022.<sup>349</sup> Large sections of Mr. Berke's statement were more political invective than legal argument, as he effusively praised Justice Thomas, criticized Justice Thomas's perceived political enemies, and characterized concerns over Justice Thomas's conduct as "calumny," a "partisan feeding frenzy," and "political blood sport."<sup>350</sup>

In his August 2023 statement, Mr. Berke claimed that "[w]e continue to work with Supreme Court and Judicial Conference officials for guidance on whether [Justice Thomas] should further amend his reports from any prior years and have invited them to raise any additional questions."<sup>351</sup> Mr. Berke also claimed that Justice Thomas had previously consulted with the Judicial Conference and was advised at various times by Supreme Court officers, legal counsel, and staff with the Judicial Conference's Committee on Financial Disclosure. The Committee has no opinion as to the veracity of these claims as we have no evidence of these interactions beyond the claims made by Mr. Berke. We can only conclude that many of Mr. Berke's other statements defending Justice Thomas were inaccurate, and that both Mr. Berke and Justice Thomas's purported understanding of the relevant law was incorrect.

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<sup>346</sup> Kaplan, Elliott & Mierjeski, *supra* note 325.

<sup>347</sup> *Id.*

<sup>348</sup> *Id.*

<sup>349</sup> Elliot Berke, *Elliot S. Berke Releases Statement on Behalf of Client Justice Clarence Thomas*, BERKE FARAH LLP (Aug. 31, 2023), <https://www.berkefarah.com/news/2023/8/31/elliott-s-berke-releases-statement-on-behalf-of-client-justice-clarence-thomas-1>.

<sup>350</sup> *Id.*

<sup>351</sup> *Id.*

In his August 2023 statement, Mr. Berke made numerous claims in defense of Justice Thomas that are not supported by the law or the facts, only some of which are addressed below. In his opening sentence, Mr. Berke wrote that, “Justice Thomas has always strived for full transparency and adherence to the law, including with respect to what personal travel needed to be reported.”<sup>352</sup> To the contrary, Justice Thomas has repeatedly failed to comply with the law or provide transparency surrounding gifts he has accepted, as evidenced by his practice of reporting certain gifts prior to 2004 before ceasing to disclose similar gifts in subsequent years, as detailed in Section V.B.1.i. Mr. Berke went on to state: “After reviewing Justice Thomas’s records, I am confident there has been no willful ethics transgression, and any prior reporting errors were strictly inadvertent.”<sup>353</sup> Yet Mr. Berke provided no evidence of how Justice Thomas’s records supported Mr. Berke’s claimed confidence, nor did Mr. Berke provide any explanation for why Justice Thomas’s reporting practices varied drastically over the course of his tenure on the Supreme Court.

Mr. Berke also repeated the claim by Justice Thomas’s defenders that the requirement to report private transportation was not clear until the March 2023 revisions to the *Guide to Judiciary Policy*. Mr. Berke pointed to the actions and May 2006 notes of a lower court judge, A. Raymond Randolph, who allegedly consulted with judicial ethics staff about a trip to Alaska. Yet Mr. Berke did not provide much additional detail on Judge Randolph’s consultation, and he did not provide any evidence of consultations involving Justice Thomas. Moreover, the misapprehension of reporting requirements by other judicial officers or staff does not legitimize Justice Thomas’s own misconception of his legal obligations.

Later in his statement, as he addressed concerns regarding Justice Thomas’s business dealings and relationship with Mr. Crow, Mr. Berke wrote: “Justice Thomas’s critics allege that he failed to report gifts from wealthy friends. Untrue. He has never accepted a gift from anyone with business before the Court.”<sup>354</sup> To the contrary, as Section V.B.1 of this report details, Justice Thomas has failed to report numerous gifts from “wealthy friends” over the past 20 years, including gifts from Mr. Crow and other billionaires with business before the Court.

Although Mr. Berke’s August 2023 statement marked his most extensive commentary and defense of Justice Thomas, he has made additional claims related to Justice Thomas’s ethics issues. In October 2023, Mr. Berke said that Justice Thomas’s loan from Anthony Welters for a luxury RV “was never forgiven,” and that “[t]he Thomases made all payments to Mr. Welters on a regular basis until the terms of the agreement were satisfied in full.”<sup>355</sup> However, Mr. Berke did not provide additional information, nor did he respond when *The New York Times* asked him to reconcile his claims with documents obtained by the Senate Finance Committee. Mr. Berke also refused to say whether Justice Thomas had fully repaid the \$267,230 he borrowed plus interest.<sup>356</sup>

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<sup>352</sup> *Id.*

<sup>353</sup> *Id.*

<sup>354</sup> *Id.*

<sup>355</sup> Jo Becker, *Justice Thomas’s R.V. Loan Was Forgiven, Senate Inquiry Finds*, N.Y. TIMES (Oct. 25, 2023, updated Oct. 26, 2023), <https://www.nytimes.com/2023/10/25/us/politics/clarence-thomas-rv-loan-senate-inquiry.html>.

<sup>356</sup> *Id.*

Finally, in response to documents obtained by the Senate Judiciary Committee regarding Justice Thomas’s unreported flights in 2017, 2019, and 2021, Mr. Berke issued a statement in June 2024 in which he asserted that “[t]he information that Harlan Crow provided to the Senate Judiciary Committee fell under the ‘personal hospitality exemption’ and was not required to be disclosed by Justice Thomas.”<sup>357</sup> Once again, Mr. Berke’s statement reflects a misunderstanding or misrepresentation of the applicable law. The transportation that Justice Thomas received from Mr. Crow did not fall under the personal hospitality exemption. Justice Thomas was required to report it, and Mr. Berke’s claim to the contrary is again belied by the fact that Justice Thomas reported gifts of transportation prior to 2004.

As detailed in Section IV.C, in September 2024, the AO published an updated version of the *Guide to Judiciary Policy*<sup>358</sup> which expanded the personal hospitality exemption “to gifts received at personal residences owned by corporate entities.”<sup>359</sup> This policy change appears directed at insulating from disclosure Justice Thomas’s annual receipt of lodging at Topridge Camp. However, even under the September 2024 revised guidance, many properties and facilities would still not qualify for the reporting exemption—including Mr. Crow’s superyacht, the *Michaela Rose*. While a yacht could conceivably serve as a personal residence, it clearly does not in this context. Mr. Crow resides in Texas, and the *Michaela Rose* is a pleasure boat owned by a Crow-controlled holding company. The superyacht is not “a personal residence of the host,” and efforts by Mr. Crow to claim business tax deductions on the superyacht further establish that the *Michaela Rose* is not his personal residence. Accordingly, Justice Thomas would still be required to report gifts of travel aboard the *Michaela Rose*.

#### **D. Justice Alito Failed to Report Private Jet Travel and Accommodations for a 2008 Luxury Fishing Trip to Alaska**

##### **1. 2008 Luxury Fishing Trip**

In June 2023, *ProPublica* revealed that Justice Samuel Alito did not disclose gifts of transportation and lodging he received for an Alaskan fishing trip in 2008.<sup>360</sup> The trip, which was facilitated by Leonard Leo, consisted of private jet travel to and from Alaska provided to Justice Alito by billionaire Paul Singer and lodging provided by billionaire Robin Arkley, II.<sup>361</sup> Mr. Singer provided the following account to the Committee:

Mr. Singer did not organize the fishing trip, and he did not invite Justice Alito to join the fishing trip. On or about May 19, 2008, Mr. Leonard Leo invited Mr. Singer to join him on a fishing trip with Mr. Robin Arkley II in King Salmon, Alaska. After first declining due to a conflicting family engagement, Mr. Singer was

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<sup>357</sup> Justin Jouvenal & Tobi Raji, *New Documents Show Unreported Trips by Justice Clarence Thomas*, WASH. POST (Jun. 13, 2024), <https://www.washingtonpost.com/politics/2024/06/13/supreme-court-clarence-thomas-travel/>.

<sup>358</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024) <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>359</sup> *Judiciary Policy Update: Ethics*, ADMIN. OFF. OF THE U.S. CTS. (Sep. 23, 2024).

<sup>360</sup> Elliott, Kaplan & Mierjeski, *supra* note 194.

<sup>361</sup> *Id.*

informed he could leave early and then accepted the invitation on or about June 5, 2008. Mr. Singer asked Mr. Leo who he wanted Mr. Singer to take with him on the flight to Alaska, on a private aircraft which Mr. Singer was arranging for his own transportation. On June 9, 2008, Mr. Leo told Mr. Singer that Justice Alito, Judge A. Raymond Randolph of the U.S. Court of Appeals for the D.C. Circuit, and Mr. Leo would join him on the flight.

The flight—carrying Mr. Leo, Justice Alito, and Judge Randolph—departed from Dulles, Virginia and flew to Teterboro, New Jersey on July 8, 2008, at an estimated *pro rata* cost of \$2,633.30 per passenger. Mr. Singer and another private citizen, journalist John Fund, joined the group in Teterboro and flew to King Salmon, Alaska, at an estimated *pro rata* cost of \$11,061.85 per passenger. The group stayed in a private lodge, provided by Mr. Arkley, from July 8 through July 11, 2008. On July 11, 2008, the same group departed King Salmon, Alaska for Dulles, Virginia, at an estimated *pro rata* cost of \$10,080.96 per passenger. Other than light food and refreshments offered on the plane flights, and the cost of transportation, Mr. Singer did not pay for any other expenses of participants in the fishing trip, including Justice Alito.<sup>362</sup>

Mr. Arkley separately provided the following account providing more details about how this trip came to be:

In 2008, Justice Samuel Alito attended a fishing trip and stayed at King Salmon Lodge (“Lodge”) in King Salmon, Alaska. The Lodge was owned by Mr. Arkley’s company, Security National Master Holding Company (“Company”). For the period of time that the Company owned the Lodge, Mr. Arkley hosted dozens of employees and friends. He sold the Lodge more than a decade ago.

In addition to a number of friends he invited who were personal friends from his hometown or from college, Mr. Arkley also invited Mr. Leonard Leo, a friend through his association with the Federalist Society. After one of his conversations with Leonard, Mr. Arkley invited a number of Mr. Leo’s friends to join the trip, including Justice Samuel Alito, Judge Ray Randolph, Mr. Paul Singer, and Mr. John Fund. To the best of Mr. Arkley’s recollection, the trip lasted three or four nights. As he had done with other friends and guests who stayed at the Lodge, Mr. Arkley covered the expenses for the lodging, meals, and costs associated with the fishing expeditions.

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<sup>362</sup> Letter from Robert K. Kelner & Nick Xenakis, Covington & Burling LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Singer (Aug. 14, 2023).

Mr. Arkley did not provide Justice Alito transportation to or from the Lodge.<sup>363</sup>

## **2. Justice Alito's Explanations for Failing to Include the Private Jet Travel on His Financial Disclosures Do Not Withstand Scrutiny**

Justice Samuel Alito failed to report the gift of free transportation on billionaire Paul Singer's private jet on his annual financial disclosure form for 2008.<sup>364</sup> This failure to report was in apparent contravention of assertions by both the Supreme Court and Justice Alito that Supreme Court justices follow the financial disclosure requirements provided in the Judicial Conference regulations.<sup>365</sup>

Less than six hours before *ProPublica* published its article on Justice Alito's fishing trip, *The Wall Street Journal* published an opinion piece by Justice Alito in which he preemptively responded to *ProPublica*'s inquiries and reporting.<sup>366</sup> In his article, Alito posited two claims: first, that he had no obligation to recuse in Supreme Court cases implicating Mr. Singer's financial interests, and second, that he had no obligation to report his flight on Mr. Singer's plane as a gift in his annual financial disclosure forms. In justifying his failure to recuse, Justice Alito described his relationship with Singer as little more than a passing acquaintance. Justice Alito also wrote that Mr. Singer was not listed as a party in certain cases before the Supreme Court in which Mr. Singer had a financial interest. He further claimed he neither knew nor should have known about Mr. Singer's connections to Supreme Court litigation. Justice Alito's explanations for his failure to recuse raise questions about just how close Justice Alito and Mr. Singer were, as well as questions about Justice Alito's process for screening conflicts and its efficacy.

Although Justice Alito's failure to recuse is cause for concern, his failure to report the flight constituted a violation of federal law. The EIGA requires justices to disclose gifts with more than a minimal value, as discussed in Section II.B.1. They must report all reportable gifts that are not subject to an exclusion, such as the personality hospitality exception.

Justice Alito devoted the second part of his opinion piece to defending his decision to fly on Mr. Singer's plane and his failure to report the flight as a gift. In defending his failure to report, Justice Alito made two principal arguments. First, he argued that he was not required to report the flight due to its falling under the personal hospitality exemption for reportable gifts. Second, he argued that he was justified in taking the seat on Mr. Singer's plane because the seat "would otherwise have been vacant" and it was Justice Alito's understanding that his taking the seat "would not impose any extra cost on Mr. Singer."<sup>367</sup> To further bolster his defense, Justice

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<sup>363</sup> Letter from Samuel E. Clark, Erickson & Sederstrom PC, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Robin P. Arkley, II (Nov. 6, 2023).

<sup>364</sup> Samuel Alito, *Financial Disclosure Report for Calendar Year 2008* (May 14, 2009) [hereinafter *Justice Alito's Financial Disclosure Report for Calendar Year 2008*], Appendix J, Key Document A.

<sup>365</sup> *Statement on Ethics*.

<sup>366</sup> Samuel Alito, *Justice Samuel Alito: ProPublica Misleads Its Readers*, WALL ST. J. (Jun. 20, 2023), <https://www.wsj.com/articles/propublica-misleads-its-readers-alito-gifts-disclosure-alaska-singer-23b51eda>.

<sup>367</sup> *Id.*

Alito proffered several arguments and claims—some of which were legally dubious at best, and others of which were misleading, irrelevant, or facially absurd. Each argument is addressed in turn.

In his opinion piece, Justice Alito argued that his flight did not need to be reported because it fell within the personal hospitality exemption. In making this argument, Justice Alito provided several strained lines of reasoning. He wrote that, “[u]ntil a few months ago, the instructions for completing a Financial Disclosure Report told judges that ‘[p]ersonal hospitality need not be reported,’ and ‘hospitality’ was defined to include ‘hospitality extended for a non-business purpose by one, not a corporation or organization, . . . on property or facilities owned by [a] person . . . .”<sup>368</sup> Here, Justice Alito alluded to the Judicial Conference Committee on Financial Disclosure’s March 2023 revision to the definition of “personal hospitality,” which was updated to specifically note that “the reporting exemption does not include: gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation . . . .”<sup>369</sup>

In making this argument, Justice Alito seemingly relied on the filing instructions for 2021, which stated that “[p]ersonal hospitality need not be reported. Personal hospitality means hospitality extended for a non-business purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family.”<sup>370</sup> However, earlier versions of the filing instructions, including the version of the filing instructions in force at the time of Justice Alito’s 2008 Alaska fishing trip, contained different language. The filing instructions for 2008 stated that “[y]ou are not required to report . . . food, lodging, or entertainment received as personal hospitality.”<sup>371</sup> Notably, these filing instructions did not state that “[p]ersonal hospitality need not be reported.” There was thus no general exclusion of personal hospitality of any kind in these earlier filing instructions, but instead only exclusions for food, lodging, or entertainment. Transportation was not mentioned, nor did it fall within the plain meaning of “food, lodging, or entertainment received as personal hospitality.” Accordingly, transportation should not have been considered within the reporting exclusion, and Justice Alito should have reported the private jet travel he received from Mr. Singer. Justice Alito’s reliance on a later version of the filing instructions does not justify his earlier failure to disclose.

Justice Alito also made a tenuous connection between personal hospitality and the word “facilities” writing that “[t]he term ‘facilities’ was not defined, but both in ordinary and legal usage, the term encompasses means of transportation.”<sup>372</sup> Justice Alito was correct in noting that the term “facilities” was not defined in the filing instructions for either 2021 or 2008; but he was incorrect in claiming that the term “facilities” encompasses means of transportation in ordinary

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<sup>368</sup> *Id.* (quoting from the FILING INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES 25 (Admin. Off. of the U.S. Cts. Comm. on Fin. Disclosure rev. Feb. 2022), Appendix B, Key Document H).

<sup>369</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, ch. 1, § 170 (Admin. Off. of the U.S. Cts. rev. Mar. 23, 2023).

<sup>370</sup> FILING INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES 25 (Admin. Off. of the U.S. Cts. Comm. on Fin. Disclosure rev. Feb. 2022).

<sup>371</sup> FILING INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES 25 (Admin. Off. of the U.S. Cts. Comm. on Fin. Disclosure iss. Jan. 14, 2009), Appendix B, Key Document G.

<sup>372</sup> Alito, *supra* note 366.



or legal usage. The fact that the plain meaning of “facilities” does not include private jet flights is obvious to layperson and lawyer alike.<sup>373</sup>

Justice Alito’s subsequent rationalization of his definition of “facilities” does nothing to change that fact. In his discussion of the term “facilities,” Justice Alito first referenced a 2001 dictionary definition purportedly defining a “facility” as “something designed, built, installed, etc., to serve a specific function affording a convenience or service: transportation facilities” and “something that permits the easier performance of an action.”<sup>374</sup> Yet, as one journalist noted, Justice Alito omitted portions of the dictionary definition he cited which gave three examples of facilities: “transportation facilities;” “educational facilities;” and “a new research facility.”<sup>375</sup> Justice Alito’s claim that “facilities” necessarily encompasses “transportation” is belied by the definition he selectively quotes. If anything, the cited definition suggests that the term “facilities” would be commonly understood to “encompass[] means of transportation,” as Justice Alito claims, only when it is modified by the term “transportation.”

Justice Alito then alleged that “[l]egal usage is similar. Black’s Law Dictionary has explained that the term ‘facilities’ may mean ‘everything necessary for the convenience of passengers.’”<sup>376</sup> It is unclear what version of *Black’s Law Dictionary* Justice Alito ostensibly cited; the 11th edition, which was current in 2023, does not define “facility” or “facilities.” However, as one law professor wrote in a June 2023 blog post, a relevant citation appears in a 1905 treatise, the *Cyclopedia of Law and Procedure*.<sup>377</sup> The entry for “Facilities” reads, “Applied to railroads, it means everything necessary for the convenience of passengers and the safety and prompt transportation of freight” (emphasis added), with a note citing the English Law Dictionary and several railroad cases.<sup>378</sup> Justice Alito went on to claim that “[f]ederal statutory law is similar” in its approach to the term “facilities,” but he supported that claim by citing two provisions of the U.S. Code and one excerpt from a book on federal jury practice and instructions—all of which use the word “facility” in the context of interstate commerce, rather than in the context of gift laws, disclosure laws, ethics laws, or any number of more relevant areas of law. Justice Alito’s citations to the U.S. Code are no more applicable or helpful in the gift disclosure context than statutory provisions defining “facilities” in other unrelated contexts, ranging from electric utilities to fish processing.<sup>379</sup>

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<sup>373</sup> Alito appeared to offer a different understanding of the word “facilities” in his 2008 financial disclosure report, in which he wrote, “I was extended membership to the Washington Golf and Country Club on August 29, 2008; however, I never used the Club’s facilities and resigned on December 15, 2008.” See *Justice Alito’s Financial Disclosure Report for Calendar Year 2008*, at 7.

<sup>374</sup> Alito, *supra* note 366 (quoting from RANDOM HOUSE WEBSTER’S UNABRIDGED DICTIONARY OF THE ENGLISH LANGUAGE (2001)).

<sup>375</sup> See Steve Reilly (@BySteveReilly), TWITTER (Jun. 20, 2023, 10:25 PM), <https://twitter.com/BySteveReilly/status/1671343627518238720>.

<sup>376</sup> Alito, *supra* note 366.

<sup>377</sup> See Richard L. Hasen, *About That Black’s Law Dictionary Definition of Facilities Cited by Justice Alito in His WSJ Defense of Not Reporting the Free Ride on the Private Plane of a Billionaire Litigant...*, ELECTION LAW BLOG (Jun. 22, 2023), <https://electionlawblog.org/?p=137014>.

<sup>378</sup> 19 CYCLOPEDIA OF LAW AND PROCEDURE 106 (William Mack ed., 1905), <https://babel.hathitrust.org/cgi/pt?id=uc1.b4110727&view=1up&seq=120&q1=facilities>.

<sup>379</sup> See, among others, 16 U.S.C. § 824i, 16 U.S.C. § 1851.

In concluding his claim that the flight did not need to be reported under the personal hospitality exemption, Justice Alito asserted that his “understanding of the requirement to report gifts reflected the expert judgment of the body that the Ethics in Government Act entrusts with the responsibility to administer compliance with the Act.”<sup>380</sup> Justice Alito provided no support for this assertion that the Judicial Conference supported his interpretation of the term “facilities.” To the contrary, there is no evidence that Justice Alito’s understanding of the gift reporting requirements comported with the Judicial Conference’s understanding, nor that any Judicial Conference official had advised him of the correct understanding. The closest thing to evidence for his position that Justice Alito offered in his opinion piece was the following passage:

When I joined the Court and until the recent amendment of the filing instructions, justices commonly interpreted this discussion of “hospitality” to mean that accommodations and transportation for social events were not reportable gifts. The flight to Alaska was the only occasion when I have accepted transportation for a purely social event, and in doing so I followed what I understood to be standard practice.<sup>381</sup>

Even if justices did commonly interpret the term “hospitality” to include transportation, this purported fact does not establish that their interpretation was correct. In fact, Justice Alito’s claim is undermined by the financial disclosure forms of other justices and federal judges. For example, as *ProPublica* detailed in another article, Justice Thomas disclosed a private jet flight provided by Mr. Crow in his 1997 financial disclosure form.<sup>382</sup> *ProPublica* also reported that a review of other federal judges’ financial disclosure filings revealed at least six other instances of judges disclosing gifts of private jet travel between 2012 and 2017.<sup>383</sup>

In the final paragraph of his opinion piece, Justice Alito wrote that the seat he took on Mr. Singer’s plane “would otherwise have been vacant” and that Justice Alito taking the seat “would not impose any extra cost on Mr. Singer.”<sup>384</sup> In making these claims, Justice Alito seemingly suggested that his seat on the flight was not an item of value, or perhaps its value was under the \$335 threshold in effect in 2008. The idea that an otherwise-vacant seat on a private jet is not an item of value is facially absurd. In their August 2023 response to a July 2023 letter from the Senate Judiciary Committee, Mr. Singer’s attorneys estimated the *pro rata* cost of Justice Alito’s travel to and from Alaska at \$23,776.11 per passenger.<sup>385</sup> That estimated value far exceeds \$335.<sup>386</sup> The seat on Mr. Singer’s jet was plainly an item of significant value worth

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<sup>380</sup> Alito, *supra* note 366.

<sup>381</sup> *Id.*

<sup>382</sup> Justin Elliott, Joshua Kaplan & Alex Mierjeski, *Clarence Thomas Defends Undisclosed “Family Trips” With GOP Megadonor. Here Are the Facts.*, PROPUBLICA (Apr. 7, 2023), <https://www.propublica.org/article/clarence-thomas-response-trips-legal-experts-harlan-crow>.

<sup>383</sup> *Id.*

<sup>384</sup> Alito, *supra* note 366.

<sup>385</sup> Letter from Robert K. Kelner & Nick Xenakis, Covington & Burling LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Paul Singer (Aug. 14, 2023).

<sup>386</sup> For another example of Alito’s apparent misunderstanding and undervaluation of gifts, see *Justice Alito’s Financial Disclosure Report for Calendar Year 2008*, at 4 (in which Alito listed the value of an honorary country club membership he received as \$0.00).

thousands of dollars, rather than an item of negligible or minimal value. Justice Alito’s claim that his taking the seat imposed no “extra cost” on Mr. Singer is irrelevant. As one law professor and ethics expert, Steven Lubet, explained in response to Justice Alito’s opinion piece, “it is the value of the gift to the recipient, not the donor’s cost, that triggers disclosure.”<sup>387</sup> In support of this explanation, Professor Lubet noted how the statutory definition of “gift” provided at 5 C.F.R. § 2634.105(h) includes “free attendance at an event,” despite the free attendance costing the donor nothing.<sup>388</sup>

**“The idea that an otherwise vacant seat on a private jet is not an item of value is facially absurd.”**

In March 2024, the AO released updated guidance on financial disclosure reports that clarified the requirement to report and estimate the value of travel-related gifts, such as private jet flights.<sup>389</sup> As discussed in Section IV.B, the AO said this guidance marked an update “to reflect past statutory changes more clearly and help ensure complete reporting of gifts and reimbursements consistent with statutory requirements.”<sup>390</sup> The updated guidance states that “[i]n the case of gifts related to travel, the filer’s estimate of value should be made in reference to the most analogous commercially available substitute” and provides as an example “transportation aboard a private aircraft,” which “should be valued at the cost of a first-class ticket for a similar route on a commercial air carrier.”<sup>391</sup> While this guidance is almost certain to result in reporting that undervalues gifts compared to the true cost of private transportation, it nevertheless underscores that Justice Alito’s failure to report his flight was unjustified.

Justice Alito concluded his opinion piece by writing that, “[h]ad I taken commercial flights, that would have imposed a substantial cost and inconvenience on the deputy U.S. Marshals who would have been required for security reasons to assist me.”<sup>392</sup> This claim, too, is irrelevant. An individual’s alleged effort to reduce costs and inconvenience for law enforcement officials does not exempt the individual from compliance with gift and reporting requirements established by federal law.

Justice Alito’s failure to report his flight on Mr. Singer’s plane constituted a failure to comply with the reporting requirements established by the EIGA and the Judicial Conference. None of his arguments—that the flight fell within the personal hospitality exemption, that the plane was a facility, that he followed his understanding of the law, or that the seat would have otherwise been empty—establish that he complied with his obligations under federal law. Instead, they illustrate another failure by a Supreme Court justice to properly report a gift.

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<sup>387</sup> Steven Lubet, *Alito, Thomas and the Supreme Court’s Culture of Concealment*, THE HILL (Jun. 22, 2023), <https://thehill.com/opinion/judiciary/4062329-alito-thomas-and-the-supreme-courts-culture-of-concealment/>.

<sup>388</sup> *Id.*

<sup>389</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, ch. 3 (Admin. Off. of the U.S. Cts. rev. Mar. 15, 2024), [https://www.uscourts.gov/sites/default/files/guide-vol02d\\_1.pdf](https://www.uscourts.gov/sites/default/files/guide-vol02d_1.pdf).

<sup>390</sup> *Judiciary Policy Update: Ethics*, ADMIN. OFF. OF THE U.S. CTS. (Mar. 15, 2024).

<sup>391</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, ch. 3, § 330.50(c) (Admin. Off. of the U.S. Cts. rev. Mar. 15, 2024), [https://www.uscourts.gov/sites/default/files/guide-vol02d\\_1.pdf](https://www.uscourts.gov/sites/default/files/guide-vol02d_1.pdf).

<sup>392</sup> Alito, *supra* note 366.

## **E. Timeline of Questionable Conduct Regarding Gifts and Use of Office by Other Justices from 1991 to Present**

### **1998**

- Justice Ginsburg autographed her *United States v. Virginia* opinion for an auction to raise funds for the National Organization for Women (NOW) PAC.<sup>393</sup>

### **2004**

- An Ohio power plant utility, American Electric Power (AEP), flew Chief Justice Rehnquist on its corporate jet when the company had dozens of active cases in litigation. AEP's spokesperson said that the company was "bearing none of the \$3,800 cost" for the round-trip private flight. Instead, the cost was going to be covered by "money raised from a \$75-a-plate lunch after the [Chief Justice's] speech" at the Moyer Judicial Center. Environmental groups, however, expressed concerns about the propriety of this trip as AEP had many active cases at the time, including one that was going to trial the following year on allegations that AEP's Ohio plant operations violated the Clean Air Act." These groups noted that this upcoming case could reach the Supreme Court, so travelling on AEP's private jet "could signal a potential conflict of interest" that "would make him not an impartial justice."<sup>394</sup>

### **2010**

- Justice Ginsburg accepted the Eleanor Award from the Woman's National Democratic Club, which supports the Democratic Party.<sup>395</sup>

### **2016**

- Justice Sotomayor failed to disclose that the University of Rhode Island (URI) paid more than \$1,000 for her round-trip flight for a commencement speech. URI also paid for approximately 11 hotel rooms for Justice Sotomayor, her friends, and her security detail. The trip included a five-car motorcade from the airport. In addition, URI ordered 125 copies of Justice Sotomayor's autobiography for the appearance. She amended her disclosures in 2021 to include this information.<sup>396</sup>

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<sup>393</sup> Mark Paoletta, *If Democrats Are Worried About SCOTUS Ethics Rules, They Should Look Into Lefty Justices First*, THE FEDERALIST (Jul. 20, 2023), <https://thefederalist.com/2023/07/20/democrats-concerned-with-scotus-ethics-rules-should-look-into-leftist-justices-first/>.

<sup>394</sup> Michael Janofsky, *Ohio Groups Question Justice's Trip On Utility Jet*, N.Y. TIMES (May 15, 2004), <https://www.nytimes.com/2004/05/15/us/ohio-groups-question-justice-s-trip-on-utility-jet.html>.

<sup>395</sup> Jared Gans, *Conservatives criticize liberal Supreme Court justices for ethics issues*, THE HILL (May 4, 2023), <https://thehill.com/regulation/court-battles/3988846-conservatives-criticize-liberal-supreme-court-justices-for-ethics-issues/>.

<sup>396</sup> *Justice Sotomayor Amends Financial Disclosure to Include SIX Trips She Had Previously Omitted*, FIX THE COURT (Jun. 13, 2022), <https://fixthecourt.com/2022/06/justice-sotomayor-amends-financial-disclosure-include-six-free-trips-previously-omitted/>. See Sonia Sotomayor, *Financial Disclosure Report for Calendar Year 2016* (May 9, 2017), Appendix J, Key Document L; Sonia Sotomayor, *Financial Disclosure Report for Calendar Year 2016 Amendment* (Apr. 2, 2021), Appendix J, Key Document M.

## 2017

- Between 2017 and 2019, Justice Sotomayor’s staff “prodded public institutions that have hosted the justice to buy her memoir or children’s books.”<sup>397</sup>
- After seeking a buyer for two years, an LLC co-owned by Justice Gorsuch sold real estate to a law firm CEO with business before the Court nine days after Gorsuch was sworn in as a justice. He disclosed the sale, but not the buyer.<sup>398</sup>

## 2018

- Morris Kahn, who had business before the Court in 2017, provided Justice Ginsburg’s transportation, food, and lodging on a trip to Israel where she received a lifetime achievement award. She disclosed these items on her annual financial disclosure.<sup>399</sup>

## 2019

- Justice Ginsburg accepted the \$1 million Berggruen Institute prize for philosophy and culture and donated the money to more than 60 charities. She disclosed the prize and the fact that she donated it, but did not disclose all of the charities to which she donated the money.<sup>400</sup>

### **F. Claims Against Justices Alito, Thomas, and Scalia Are Different in Kind than Disclosed, Transparent Gifts**

The foundational principle underlying all financial and gift disclosures for federal officials is that transparency allows for proper scrutiny. Scrutiny of partially or fully gifted trips taken by any justice allows for a proper accounting of whether those entrusted with immense power have conflicts of interest or other forms of bias. This is why the gifts Justices Alito, Scalia, and Thomas have chosen not to disclose are a distinct problem; they are hiding this conduct—and consequently their potential conflicts of interest and biases—from proper scrutiny.

There have been many bad-faith arguments made likening properly disclosed gifts by justices appointed by Democratic presidents with the undisclosed gifts accepted by Justices Thomas, Alito, and Scalia. Most of these purposefully conflate the misconduct of Justices Alito, Scalia, and Thomas with the properly disclosed trips of other justices.

For example, on June 13, 2024, Carrie Severino, president of the Judicial Crisis Network, tweeted her appearance on CNN with the following text:

Another day, another insane attempt by the Left to smear Justice Thomas with a nothingburger. Until 2023, the Judicial Conference

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<sup>397</sup> *Supreme Court Justice Sotomayor’s staff prodded colleges and libraries to buy her books*, ASSOCIATED PRESS (Jul. 11, 2023), <https://apnews.com/article/supreme-court-sotomayor-book-sales-ethics-colleges-b2cb93493f927f995829762cb8338c02>.

<sup>398</sup> Heidi Przybyla, *Law firm head bought Gorsuch-owned property*, POLITICO (Apr. 25, 2023), <https://www.politico.com/news/2023/04/25/neil-gorsuch-colorado-property-sale-00093579>.

<sup>399</sup> Evers-Hillstrom, *supra* note 152.

<sup>400</sup> Andrew Kerr, *Ruth Bader Ginsburg’s Mysterious \$1 Million Prize*, WASHINGTON FREE BEACON (Jul. 19, 2023), <https://freebeacon.com/courts/ruth-bader-ginsburgs-mysterious-1-million-prize/>.

itself said personal hospitality shouldn't be disclosed. That's why Justice Breyer — who took at least 233 trips, 68 of them overseas — didn't have to disclose them. And Justice Ginsburg — who took 157 trips, 28 of them overseas — didn't have to disclose them. Just like Justice Thomas didn't. But ultimately, Senate Democrats are relentlessly attacking the Supreme Court because they're furious that we have a majority on the Court who faithfully applies the law and upholds the Constitution.<sup>401</sup>

Several of these statements are outright false. First, as noted in Sections II and IV, federal law only allows entertainment, food, and lodging at personal residences to fall under the hospitality exception and has always required that all gifts of transportation be disclosed; the Judicial Conference merely made that explicit in their forms in 2023 after decades of failures by Justices Scalia and Thomas to disclose gifts of travel and non-excepted lodging.

Second, Ms. Severino implies that Justices Breyer and Ginsburg had hundreds of undisclosed subsidized trips, which is false. The trips she references were all disclosed by Justices Breyer and Ginsburg in their financial disclosures for each year. There are no allegations that Justices Ginsburg or Breyer, or any of the sitting justices other than Justices Alito and Thomas have not disclosed partially or fully subsidized trips.<sup>402</sup> On the other hand, there are several dozen cases of inappropriately undisclosed subsidized travel from Justices Scalia and Thomas alone. The simple fact is that all of the justices except Justices Scalia, Thomas, and Alito appear to follow federal law and properly disclose their subsidized trips.

It is appropriate to scrutinize any subsidized trip taken by any justice. Indeed, *The New York Times* Editorial Board published an opinion piece on the subsidized travel of every sitting member of the Court, disclosed and undisclosed, that questions the propriety of such funded travel.<sup>403</sup> However, the public cannot scrutinize subsidized trips of which they are not aware. That is why the failures of Justices Alito, Scalia, and Thomas to disclose their subsidized trips is so concerning. Although three justices appointed by Republican presidents are the worst violators, justices appointed by Democratic presidents are not without fault, as indicated in Section V.E. The myriad claims of misconduct against multiple justices appointed by presidents of either political party underscore the need for an enforceable code of conduct that applies to all justices.

As Section VI addresses in full, gifts, particularly gifts of transportation and lodging, can be used to gain private access to the justices. This private access, particularly when concealed, often invariably creates an unambiguous appearance of impropriety that the justices must avoid in order to fulfill their duty to sit. While disclosure itself is not enough to avoid an appearance of impropriety, following federal law and disclosing these gifts is a first and necessary step.

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<sup>401</sup> Carrie Severino (@JCNSeverino), TWITTER (Jun. 13, 2024, 5:24 PM) <https://x.com/jcnseverino/status/1801364984821121129>.

<sup>402</sup> While Justice Kagan joined Justice Scalia on several hunting trips, there are no allegations that she received gifts of transportation and lodging that she did not disclose.

<sup>403</sup> The Editorial Board, *supra* note 164.

## VI. Gifts Used to Facilitate Private Access

### A. Gifts Can Be Used to Gain Private Access to Justices

#### 1. Overview

Senate Democrats, led by Courts Subcommittee Chair Sheldon Whitehouse, have done extensive work highlighting ways corporate and right-wing interests have engaged in a decades-long coordinated effort to remake the federal judiciary.<sup>404</sup> There are varied participants in this effort, but the main players are Leonard Leo and the Federalist Society.<sup>405</sup> Nonetheless, the practice of gaining private access to the justices themselves is an aspect of these influence operations that deserves additional attention. As Section V detailed, gifts, particularly gifts of luxury travel, can be—and often are—used to facilitate such private access to the justices. This section reviews the ethical misconduct this private access inherently breeds, namely the unmistakable appearance of impropriety.

#### 2. Leonard Leo Has Made a Career of Leveraging Private Access to the Justices

Mr. Leo met then-Judge Thomas in 1990 when Mr. Leo clerked for Judge Randolph on the U.S. Court of Appeals for the District of Columbia Circuit.<sup>406</sup> Following his clerkship, Mr. Leo was hired by the Federalist Society, but delayed his start with the organization to assist Justice Thomas in his confirmation process to become an associate justice in 1991.<sup>407</sup> Since then, Mr. Leo has played an outsized role in the selection and confirmation of every Republican-appointed justice on the Supreme Court.<sup>408</sup> This includes both President George W. Bush's withdrawal of Harriet Miers's nomination and the choice of then-Judge Samuel Alito as her replacement in 2005,<sup>409</sup> and Senate Republican Leader Mitch McConnell's successful effort to block consideration of then-Judge Merrick Garland's nomination in 2016.<sup>410</sup>

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<sup>404</sup> This is covered in the *Captured Courts* reports <https://www.democrats.senate.gov/about-senate-dems/dpcc/captured-courts>.

<sup>405</sup> See, e.g., DEMOCRATIC POL'Y & COMMC'N COMM., CAPTURED COURTS: THE GOP'S BIG MONEY ASSAULT ON THE CONSTITUTION, OUR INDEPENDENT JUDICIARY, AND THE RULE OF LAW, 18-45 (May 2020), <https://www.democrats.senate.gov/imo/media/doc/Courts%20Report%20-%20FINAL.pdf>; DEMOCRATIC POL'Y & COMMC'N COMM., WHAT'S AT STAKE: DEMOCRACY—HOW CAPTURED COURTS SUPPORT THE REPUBLICAN PARTY'S ASSAULT ON AMERICAN DEMOCRACY, 10-11 (Oct. 2020), <https://www.democrats.senate.gov/imo/media/doc/DPCC%20Captured%20courts%20Democracy%20Report.pdf>.

<sup>406</sup> Robert O'Harrow, Jr. & Shawn Boburg, *A conservative activist's behind-the-scenes campaign to remake the nation's courts*, WASH. POST (May 21, 2019), <https://www.washingtonpost.com/graphics/2019/investigations/leonard-leo-federalists-society-courts/>.

<sup>407</sup> *Id.*

<sup>408</sup> Andrew Restuccia & Michael C. Bender, *Trump's Supreme Court Nomination Strategy Steered by White House Counsel, Others*, WALL ST. J. (Sep. 19, 2020), <https://www.wsj.com/articles/white-house-counsel-others-steer-trumps-supreme-court-nomination-strategy-11600553569>.

<sup>409</sup> David G. Savage, *His conservative revolution*, L.A. TIMES (Jul. 9, 2018), [https://enewspaper.latimes.com/infinity/article\\_share.aspx?guid=405ac9d2-7dba-4521-a1ea-b43bb6b17cf4](https://enewspaper.latimes.com/infinity/article_share.aspx?guid=405ac9d2-7dba-4521-a1ea-b43bb6b17cf4).

<sup>410</sup> John Kruzel, "One unnamed donor gave \$17 million to the Leo-affiliated Judicial Crisis Network to block the nomination of Judge Merrick Garland and to support Gorsuch; then a donor — perhaps the same one — gave another \$17 million to prop up Kavanaugh.", POLITIFACT (Sep. 11, 2019),

As detailed in Section V, Mr. Leo facilitated and/or participated in at least the following undisclosed trips taken by Justices Alito, Scalia, and Thomas:

- Justice Scalia’s 2005 trip to Alaska with Mr. Arkley and Judge Randolph;
- Justice Alito’s 2008 trip to Alaska with Mr. Arkley, Judge Randolph, Mr. Singer, and Mr. Fund;
- Justice Thomas’s 2018 trip to the Koch Brothers’ political network’s annual retreat in Palm Springs, California; and
- Justice Thomas’s 2018 trip to Topridge Camp with Mr. Crow, Mr. Rutledge, and Mr. Paoletta (memorialized in a photo-realistic painting).

Mr. Leo also has a history of connecting prominent conservative attorneys to Republican-appointed justices. For instance, in 2013, Mr. Leo invited Scott Pruitt, then-Attorney General for Oklahoma and a frequent advocate before the Court, to a private dinner with Justices Scalia and Thomas.<sup>411</sup> This occurred the same week the Court considered Mr. Pruitt’s petition for certiorari in *Pruitt v. Nova Health Systems*, defending Oklahoma’s abortion ultrasound requirement that the Oklahoma Supreme Court struck down as unconstitutional.<sup>412</sup>

Mr. Leo also has gained access to Justice Thomas through Ms. Thomas. In 2009 and 2010, Mr. Leo was an initial director for Ms. Thomas’s nonprofit group Liberty Central, which received \$500,000 in seed money from Mr. Crow and was established two months before the Court decided *Citizens United*.<sup>413</sup> This timing is particularly notable because Liberty Central directly benefitted from the Court’s 5-4 decision in *Citizens United*, in which Justice Thomas joined the majority’s holding. The case allowed corporations to make unlimited independent expenditures to groups like Liberty Central, which in turn now do not have to disclose their donors. In 2012, Mr. Leo directed Kellyanne Conway, a conservative pollster, to pay \$25,000 to Ms. Thomas’s similarly named for-profit consulting firm, Liberty Consulting, with “no mention of Ginni, of course.”<sup>414</sup> Ms. Conway’s then-husband, George Conway, a conservative attorney, has described Mr. Leo’s role as focused on keeping conservative members of the Court in place: “There was always a concern that Scalia or Thomas would say, ‘Fuck it,’ and quit the job and go make way more money at Jones Day or somewhere else. Part of what Leonard does is he tries to

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<https://www.politifact.com/factchecks/2019/sep/11/sheldon-whitehouse/its-true-millions-dark-money-has-been-spent-tilt-c/>.

<sup>411</sup> Eric Lipton, Lisa Friedman & Kenneth P. Vogel, *A Lobbyist Helped Scott Pruitt Plan a Morocco Trip. Then Morocco Hired the Lobbyist.*, N.Y. TIMES (May 1, 2018), <https://www.nytimes.com/2018/05/01/us/pruitt-epa-trips-lobbyists.html>; see also Hillsdale College, “The Next Supreme Court Justice” – Scott Pruitt, Oklahoma Attorney General, YOUTUBE (Jul. 12, 2016) [https://www.youtube.com/watch?v=ewsYlss\\_Icg](https://www.youtube.com/watch?v=ewsYlss_Icg).

<sup>412</sup> *Pruitt v. Nova Health Systems*, SCOTUSBLOG, <https://www.scotusblog.com/case-files/cases/pruitt-v-nova-health-systems/>.

<sup>413</sup> Heidi Przybyla, *What Ginni Thomas and Leonard Leo wrought: How a justice’s wife and key activist started a movement*, POLITICO (Sep. 10, 2023), <https://www.politico.com/news/2023/09/10/ginni-thomas-leonard-leo-citizens-united-00108082>.

<sup>414</sup> Emma Brown, Shawn Boburg & Jonathan O’Connell, *Judicial activist directed fees to Clarence Thomas’s wife, urged ‘no mention of Ginni’*, WASH. POST (May 4, 2023), <https://www.washingtonpost.com/investigations/2023/05/04/leonard-leo-clarence-ginni-thomas-conway/>.



keep them happy so they stay on the job.”<sup>415</sup> As noted in Section V.B, the justices hold some of the most powerful offices in the government and earn income higher than that of 90 percent of Americans.

### **3. The Supreme Court Historical Society is Used to Gain Private Access to the Justices**

The Supreme Court Historical Society (SCHS) is a nonprofit organization that describes its mission as “dedicated to preserving and collecting the history of the Supreme Court of the United States, increasing public awareness of the Court’s contribution to our nation’s rich constitutional heritage, and acquiring knowledge covering the history of the entire Judicial Branch.”<sup>416</sup> To this end, the SCHS primarily conducts educational programing regarding the Court.

However, in 2022, *The New York Times* reported that “over the years the society has also become a vehicle for those seeking access to nine of the most reclusive and powerful people in the nation.”<sup>417</sup> The *Times* discovered that beginning in 2003, SCHS had received at least \$6.4 million, or 60 percent, of its donations “from corporations, special interest groups, or lawyers and firms that argued cases before the [C]ourt.”<sup>418</sup> The *Times* further found that “according to an analysis of archived historical society newsletters and publicly available records that detail grants given to the society by foundations...at least \$4.7 million came from individuals or entities in years when they had an interest in a pending federal court case on appeal or at the high court.”<sup>419</sup>

David T. Pride, SCHS’s Executive Director from 1979 to 2021, told the *Times* that the Society “was pretty unabashed about” soliciting donations from those with interests before the Court.<sup>420</sup> He justified making these solicitations an intrinsic part of SCHS’s fundraising model with the rhetorical question: “[w]ho wouldn’t expect that to be our constituency?”

In materials produced to the Committee, SCHS disputed the *Times* characterization of its funding in three ways.<sup>421</sup> First, it argued: “contributions to the Society, no matter how large or from whom they come, do not give the donor the ability to influence the Court. The most a contribution gets the donor is the ability to attend a large group function where the donor, like other attendees, will not have private time with any Justice.” Second, SCHS contended that the *Times*’ calculations are misleading because it “included in its calculations individuals or entities

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<sup>415</sup> Andy Kroll, Andrea Bernstein & Ilya Marritz, *We Don’t Talk About Leonard: The Man Behind the Right’s Supreme Court Supermajority*, PROPUBLICA (Oct. 11, 2023), <https://www.propublica.org/article/we-dont-talk-about-leonard-leo-supreme-court-supermajority>.

<sup>416</sup> *The Society’s Mission*, SUPREME COURT HISTORICAL SOCIETY, <https://supremecourthistory.org/supreme-court-historical-society-mission/>.

<sup>417</sup> Jo Becker & Julie Tate, *A Charity Tied to the Supreme Court Offers Donors Access to the Justices*, N.Y. TIMES (Dec. 30, 2022), <https://www.nytimes.com/2022/12/30/us/politics/supreme-court-historical-society-donors-justices.html>.

<sup>418</sup> *Id.*

<sup>419</sup> *Id.*

<sup>420</sup> *Id.*

<sup>421</sup> Letter from W. Neil Eggleston, Kirkland & Ellis LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of the Supreme Court Historical Society (Sep. 6, 2023).

with business before the Courts of Appeals.” Their final claim was that the calculations themselves were flawed:

Third, the Society has identified several flaws in the *Times*’ claim that a significant portion of the funds the Society raised from 2003 to the present came from litigants with matters before the Courts of Appeals or the Supreme Court. The *Times* traced less than half of the contributions that it claims the Society raised since 2003 and then made generalizations from that partial tracing. Remarkably, the *Times* even got wrong the total amount that the Society has raised during that period, information that is publicly available in the Society’s IRS filings. Even taking the *New York Times*’ calculations at face value, the figures cited in the reporting comprise a significantly smaller percentage of the Society’s contributions over the past 20 years than the *Times* posits. The *Times*’ analysis is rendered even more meaningless by its combination of donations from litigants before the Courts of Appeals as well as the Supreme Court since the Society has no meaningful connection with the Courts of Appeals.<sup>422</sup>

*The New York Times* noted the limitations of its reporting in the original article, including the partial nature of their tracing.<sup>423</sup> As the *Times* explained, SCHS “declined when asked to [publicly disclose its donors]” and the analysis was based on “archived historical society newsletters and publicly available records that detail grants given to the society by foundations.”<sup>424</sup> The Committee disagrees with SCHS’s contention that “[t]he *Times*’ analysis is rendered even more meaningless by its combination of donations from litigants before the Courts of Appeals as well as the Supreme Court.” While analyzing donations from litigants before all federal courts could potentially be overly broad, a party or parties in up to ten percent of all decisions issued by the federal courts of appeals seek appeal at the Supreme Court annually, which is relevant for analysis of giving trends that may influence the Court.<sup>425</sup>

As for private access to the justices, SCHS generally maintains that the “Society’s programming does not provide for meetings with any Justices on Court business—and certainly not for purposes of matters currently before the Court—nor does participation in Society events facilitate such an occurrence.”<sup>426</sup> As a practical matter, the argument that participation in Society events does not facilitate access to the justices is misleading. It may not be the intention of the current leaders of SCHS, but actors have exploited the relatively limited access to the justices SCHS provides and will likely continue to do so as long as the opportunity remains available.

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<sup>422</sup> *Id.* at 3–4.

<sup>423</sup> Becker & Tate, *supra* note 417.

<sup>424</sup> *Id.*

<sup>425</sup> Appellate Courts and Cases – Journalist’s Guide, ADMIN. OFF. OF THE U.S. CTS., <https://www.uscourts.gov/data-news/reports/handbooks-manuals/journalists-guide-federal-courts/appellate-courts-and-cases-journalists-guide> (last visited Dec. 16, 2024).

<sup>426</sup> Letter from W. Neil Eggleston, Kirkland & Ellis LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of the Supreme Court Historical Society (Sep. 6, 2023), at 2.

For example, Rev. Rob Schenck, a former anti-abortion activist, advised his “allies to contribute money to the Supreme Court Historical Society and then mingle with the justices at its functions.”<sup>427</sup> This was part of a multi-pronged effort to “ingratiate[] himself with court officials who could help give him access.”<sup>428</sup>

In 2023 and 2024, Lauren Windsor, a left-wing political activist, provided a clear demonstration of how one could use SCHS events to ingratiate themselves with willing justices.<sup>429</sup> During SCHS events, Windsor was able to engage Chief Justice Roberts and Justice Alito in extended, one-on-one conversations.<sup>430</sup>

The Committee has found no evidence that the current leadership of SCHS has in any way attempted to facilitate this access. Rev. Schenck testified before Congress that SCHS’s event policies rely on the participants to act in good faith and for the justices to display a judicial temperament. While one would hope for the former and have a right to expect the latter, so long as certain justices make themselves available to such overtures, there will be an incentive for partisan or self-interested actors to exploit such access. And some justices do suggest that they are open to such solicitation. As Rev. Schenck testified to the House Judiciary Committee:

I’m also conscious we were never admonished for the type of work our missionaries did. Quite to the contrary. In one instance, Justice Thomas commended me, saying something like “keep up what you’re doing. It’s making a difference.”<sup>431</sup>

Although SCHS still “disputes that it may serve as a vehicle to promote the personal agendas of deceptive individuals interested in matters before the Court,” it is “reexamin[ing] its practices to prevent even the implication that it may be used in such a manner.”<sup>432</sup> While some of the SCHS’s proposed changes appear designed merely to prevent leaks, such as “explicitly banning electronics and recording devices at all events,” others indicate more seriousness about changing the permissive culture that has allowed individuals to exploit the access SCHS provides, such as “[b]anning violators from future in-person events or terminating their society membership.”<sup>433</sup>

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<sup>427</sup> Jodi Kantor & Jo Becker, *Former Anti-Abortion Leader Alleges Another Supreme Court Breach*, N.Y. TIMES (Nov. 19, 2022), <https://www.nytimes.com/2022/11/19/us/supreme-court-leak-abortion-roe-wade.html>.

<sup>428</sup> *Id.*

<sup>429</sup> Tessa Stuart & Tim Dickinson, *Justice Alito Caught on Tape Discussing How Battle for America ‘Can’t Be Compromised’*, ROLLING STONE (Jun. 10, 2024), <https://www.rollingstone.com/politics/politics-features/samuel-alito-supreme-court-justice-recording-tape-battle-1235036470/>.

<sup>430</sup> See, e.g., Lauren Windsor (@lawindsor), TWITTER (Jun. 10, 2024, 12:22 PM), <https://x.com/lawindsor/status/1800201783945683120>; Lauren Windsor (@lawindsor), TWITTER (Jun. 10, 2024, 12:22 PM), <https://x.com/lawindsor/status/1800201786403504421>.

<sup>431</sup> Transcript of Dec. 8, 2022 House Committee on the Judiciary Hearing.

<sup>432</sup> Letter from W. Neil Eggleston, Kirkland & Ellis LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of the Supreme Court Historical Society (Jul. 1, 2024).

<sup>433</sup> *Id.*

## VII. Recusal Issues

As outlined in Section II.B.3, federal law creates an affirmative duty for the justices to recuse themselves in a number of situations. These include personal bias or prejudice concerning a party, prior legal work concerning the proceeding, a financial interest in the controversy or party, and otherwise “in any proceeding in which his impartiality might reasonably be questioned.”<sup>434</sup> However, the justices have not demonstrated particular adherence to any of these standards, as this section will demonstrate. And when the justices do choose to recuse themselves, the recusal is rarely accompanied by an explanation. In 2023, *Bloomberg Government* reviewed more than 750 recusals identified in the Court’s orders since 2018 and found that “virtually all...lacked an explanation of why the justices avoided participating.”<sup>435</sup> While the Court only hears a small number of cases each term, it considers many more petitions for review, and it is at this stage where nearly all of these recusals occurred.

### A. Common Examples of Failures to Recuse by Justices

#### 1. Cases Involving Parties in Which Justices Own Stock

Under federal law, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself” when “he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding....”<sup>436</sup> “Financial interest” is clearly defined in law to include any stock ownership: “ownership of a legal or equitable interest, however small.”<sup>437</sup>

Despite this legislative command, and the choice many justices have made to maintain large portfolios of individual stocks triggering this obligation,<sup>438</sup> justices commonly fail to recuse themselves in matters directly concerning companies in which they are a shareholder. What follows is a non-comprehensive list to highlight the prevalence of this problem:

#### 2008

- Justice Alito did not recuse himself in *FCC v. Fox Television Stations, Inc.*,<sup>439</sup> despite holding 2,000 shares of Disney stock on behalf of his minor children. Disney-owned ABC was a respondent in the case.<sup>440</sup> Justice Alito “owned the Disney shares for many years, after his mother bought \$1,000 worth of stock [for] each of his two children,” and he ultimately sold these shares in February 2010. Justice Alito said that his participation in the case was an “oversight,” and that “aides who routinely check for conflicts in high-

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<sup>434</sup> See 28 U.S.C. § 455.

<sup>435</sup> John Crawley & Kimberly Strawbridge Robinson, *Alito, Kagan Top Justices in Supreme Court Recusal ‘Black Box’*, BLOOMBERG GOVERNMENT (Feb. 13, 2023), <https://news.bloomberglaw.com/us-law-week/alito-kagan-top-justices-in-supreme-court-recusal-black-box-1>.

<sup>436</sup> 28 U.S.C. § 455(b)(4)

<sup>437</sup> 28 U.S.C. § 455(d)(4)

<sup>438</sup> “[M]ore than a third of Alito’s [over 130] recusals over the [2018 to 2023] period likely were due to share conflicts.” Crawley & Robinson, *supra* note 435.

<sup>439</sup> *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502 (2009).

<sup>440</sup> Peter S. Green & John Mazon, *Corrupt justice: what happens when judges’ bias taints a case?*, THE GUARDIAN (Oct. 18, 2015), <https://www.theguardian.com/us-news/2015/oct/18/judge-bias-corrupts-court-cases>.

court cases missed the Disney connection when they looked at the *Fox* case, even though ABC's brief clearly disclosed Disney's ownership." Justice Alito "voted with the majority, against ABC's interests."<sup>441</sup>

## 2015

- Chief Justice Roberts did not recuse himself in *ABB v. Arizona Board of Regents*,<sup>442</sup> despite the fact that he or a family member owned shares in Texas Instruments, a petitioner in the case. According to his 2014 financial disclosure report, Chief Justice Roberts or a family member "own[ed] from \$100,001 to \$250,000 in Texas Instruments [stock]." The Supreme Court ultimately rejected the appeal with Chief Justice Roberts participating in that decision. A Supreme Court spokeswoman explained that the conflict "should have been caught" and attributed the mistake to "human error."<sup>443</sup>
- Justice Breyer did not recuse himself in *FERC v. EPSA*,<sup>444</sup> despite his wife owning 750 shares in Johnson Controls, a respondent in the case. Justice Breyer participated in oral argument in the case. The day after oral argument, his wife sold all 750 shares. This sale occurred after a reporter contacted Justice Breyer's chambers about his wife's ownership of these shares. The parties in the case were then informed by the Clerk of the Supreme Court that a search in Justice Breyer's chambers for a potential conflict of interest "inadvertently failed to find this potential conflict." The clerk relayed that Justice Breyer had "concluded that he should continue to participate in this case."<sup>445</sup> Justice Breyer's decision to remain involved was based, to some extent, on the fact that he had "devoted substantial judicial time to th[e] case" already. Justice Alito, however, did recuse himself from this same case due to his own ownership of Johnson Controls stock.<sup>446</sup>

## 2018

- Chief Justice Roberts did not recuse himself in *Roberts v. AT&T Mobility LLC*,<sup>447</sup> despite owning shares in Time-Warner, which had completed its merger with AT&T on June 15, 2018. Three days after the merger, the Court denied certiorari in this case, and Chief Justice Roberts took part in that decision. Chief Justice Roberts subsequently sold his stock on November 15, 2018 "for a gain of at least \$100,000, just eight days after watchdog group Fix the Court discovered the conflict and criticized him for not recusing himself from voting on the customers' appeal."<sup>448</sup>

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<sup>441</sup> Mark Sherman, *Alito owned stock, voted in case with Disney's ABC*, SEATTLE TIMES (Jun. 1, 2011), <https://www.seattletimes.com/nation-world/alito-owned-stock-voted-in-case-with-disneys-abc-01/>.

<sup>442</sup> *ABB Inc. v. Arizona Bd. Of Regents*, 577 U.S. 913 (2015).

<sup>443</sup> Greg Stohr, *Chief justice overlooked stock conflict in Supreme Court case*, DAILY RECORD (Dec. 18, 2015), <https://thedailyrecord.com/2015/12/18/chief-justice-overlooked-stock-conflict-in-supreme-court-case/>.

<sup>444</sup> *FERC v. Electric Power Supply Ass'n*, 577 U.S. 260 (2016).

<sup>445</sup> Letter from Scott S. Harris, Clerk, U.S. Supreme Court, to Carter G. Phillips, Sidley Austin LLP (Oct. 15, 2015).

<sup>446</sup> Lyle Denniston, *Breyer stays on FERC case after stock sale*, SCOTUSBLOG (Oct. 16, 2015), <https://www.scotusblog.com/2015/10/breyer-stays-on-ferc-case-after-stock-sale/>.

<sup>447</sup> *Roberts v. AT&T Mobility LLC*, 585 U.S. 1004 (2018).

<sup>448</sup> Jimmy Hoover, *Chief Justice Sold AT&T Shares After Ruling In Co.'s Case*, LAW360 (Jun. 13, 2019), <https://www.law360.com/articles/1169010/chief-justice-sold-at-t-shares-after-ruling-in-co-s-case>.

## 2021

- Justice Alito did not recuse himself from *Valentine v. PNC Financial Services*, despite owning approximately \$15,001 to \$50,000 in shares in PNC Bank, the respondent.<sup>449</sup>

## 2. Cases Involving Justices' Book Publishers

Several justices have failed to recuse themselves from matters directly concerning their book publishers. This issue is distinct from stock ownership because of the direct payments justices receive from their publishers in the form of book advances. What follows is a non-comprehensive list to highlight the prevalence of this problem:

## 2013

- Justice Sotomayor did not recuse herself in *Greenspan v. Random House*,<sup>450</sup> even though the respondent was her book publisher, from which she received a \$1.9 million book advance for her memoir (\$1.2 million in 2010 and the rest in 2012).<sup>451</sup> The Supreme Court decided not to hear the case and Justice Sotomayor took part in that decision the same year her memoir was published.<sup>452</sup>

## 2019

- Neither Justices Gorsuch nor Sotomayor recused themselves in *Nicassio v. Viacom*,<sup>453</sup> despite their book publisher being a respondent. Justice Gorsuch had published “A Republic, If You Can Keep It” in 2019, and had, at that point, “received \$655,000” from the publisher, Penguin Random House, according to his 2018, 2019, and 2020 financial disclosures.<sup>454</sup> Altogether Justice Sotomayor had “earned \$3.6 million from Penguin Random House and its subsidiaries for...her 2013 memoir...and numerous children’s books.” These payments were ongoing at the time of the case, and “the same day that the petition [for certiorari] was submitted, Justice Sotomayor received a check from Penguin Random House for \$10,586.” Justice Breyer recused himself from participating in this case because he had also “received money from Penguin Random House.”<sup>455</sup>

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<sup>449</sup> *Recent Times a Justice Failed to Recuse Despite a Conflict of Interest*, FIX THE COURT (Sep. 10, 2024), <https://fixthecourt.com/2024/09/recent-times-justice-failed-recuse-despite-clear-conflict-interest/>; Samuel Alito, *Financial Disclosure Report for Calendar Year 2019* (Jun. 12, 2020), Appendix J, Key Document B.

<sup>450</sup> *Greenspan v. Random House*, 569 U.S. 942 (2013).

<sup>451</sup> Luke Rosiak, *Liberal SCOTUS Justice Took \$3M From Book Publisher, Didn’t Recuse From Its Cases*, DAILY WIRE (May 3, 2023), <https://www.dailywire.com/news/liberal-scotus-justice-took-3m-from-book-publisher-didnt-recuse-from-its-cases>.

<sup>452</sup> Victor Nava, *Justice Sonia Sotomayor didn’t recuse herself from cases involving publisher that paid her \$3M: report*, N. Y. POST (May 4, 2023), <https://nypost.com/2023/05/04/supreme-court-justice-sonia-sotomayor-didnt-recuse-herself-from-cases-involving-book-publisher-that-paid-her-3m-report/>.

<sup>453</sup> *Nicassio v. Viacom Int’l, Inc.*, 140 S. Ct. 630 (Dec. 9, 2019).

<sup>454</sup> Devan Cole, *2 Supreme Court justices did not recuse themselves in cases involving their book publisher*, CNN POLITICS (May 5, 2023), <https://www.cnn.com/2023/05/04/politics/sonia-sotomayor-neil-gorsuch-book-recusal-supreme-court-cases/index.html>.

<sup>455</sup> Victor Nava, *Justice Sonia Sotomayor didn’t recuse herself from cases involving publisher that paid her \$3M: report*, N. Y. POST (May 4, 2023), <https://nypost.com/2023/05/04/supreme-court-justice-sonia-sotomayor-didnt-recuse-herself-from-cases-involving-book-publisher-that-paid-her-3m-report/>.

### 3. Cases Involving a Justice’s Family or Other Close Relation

A justice’s obligation to recuse in cases involving a family member or other close relation is not limited only to matters where “[h]e or his spouse, or a person within the third degree” to either is “a party to the proceeding”<sup>456</sup> or “acting as a lawyer in the proceeding.”<sup>457</sup> Justices must recuse themselves in all cases where such relations are “known by the judge to have an interest that could be substantially affected by the outcome of the proceeding” or “is likely to be a material witness in the proceeding.”<sup>458</sup>

1998

- Chief Justice Rehnquist did not recuse himself from *Microsoft Corp. v. United States*,<sup>459</sup> an antitrust lawsuit, despite his son’s work on private antitrust cases for Microsoft as a law firm partner. While his son did not work on this particular case, he was working on other “private antitrust cases” for Microsoft at the time as a partner at Goodwin Procter. Chief Justice Rehnquist sent the other justices a memo explaining his decision not to recuse himself, claiming that he was “acutely aware of the weight of impartiality on the public consciousness” and that the Supreme Court “wasn’t operating in a vacuum.” While Justice Ginsburg and Justice O’Connor “praised the decision,” Justice Stevens had several concerns—many of which he expressed in the margins of a memo—and thought that the Chief Justice should have recused himself. The Supreme Court ultimately declined to hear the case, which was sent back to the appeals court. The two parties later settled.<sup>460</sup>

### 4. Cases About Which Justices Had Commented or Demonstrated Views

Recusal obligations under federal law extend to “any proceeding in which [a justice’s] impartiality might reasonably be questioned.”<sup>461</sup> This provision covers many scenarios, including those where a justice has commented or demonstrated views on live legal questions.

2004

- Justice Ginsburg gave opening remarks at a lecture series named for her that was cosponsored by the NOW Legal Defense and Education Fund (NOW LDF), which regularly litigated abortion issues before the Court. Two weeks prior to the lecture series, Justice Ginsburg had voted in a case on the side taken by the NOW LDF in its amicus brief. Additionally, Justice Ginsburg, prior to taking the bench, briefly sat on the NOW LDF board in the 1970s, and had served on the group’s advisory committee for judicial education. This raised concerns with several legal experts, who commented that Justice

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<sup>456</sup> 28 U.S.C. 455(b)(5)(i).

<sup>457</sup> 28 U.S.C. 455(b)(5)(ii).

<sup>458</sup> 28 U.S.C. 455(b)(5)(iii) & (iv).

<sup>459</sup> *Microsoft Corp. v. United States*, 530 U.S. 1301 (Sep. 26, 2000).

<sup>460</sup> Tobi Raji & Aaron Schaffer, *A chief justice didn’t recuse in a major case. This justice disagreed.*, WASH. POST (Jun. 26, 2023), <https://www.washingtonpost.com/history/2023/06/26/supreme-court-recusal-history-stevens-rehnquist/>; James V. Grimaldi, *A High Court Conflict of Interest?*, WASH. POST (Oct. 1, 2000), [https://www.washingtonpost.com/archive/business/2000/10/02/a-high-court-conflict-of-interest/2683ecbc-8a25-4b0a-b08a-3ae12acc2cc1/?itid=lk\\_inline\\_manual\\_26](https://www.washingtonpost.com/archive/business/2000/10/02/a-high-court-conflict-of-interest/2683ecbc-8a25-4b0a-b08a-3ae12acc2cc1/?itid=lk_inline_manual_26).

<sup>461</sup> 28 U.S.C. 455(a).

Ginsburg's "ongoing affiliation with the legal activist group [NOW LDF] undercuts her appearance of impartiality."<sup>462</sup>

## 2006

- Justice Scalia did not recuse himself in *Hamdan v. Rumsfeld*,<sup>463</sup> a case concerning the president's power to establish military tribunals to try prisoners at Guantanamo Bay for war crimes, after making remarks about the rights of detainees at Guantanamo Bay. In March 2006, during a question-and-answer session at the University of Fribourg in Switzerland, Justice Scalia faced hostile questions about Guantanamo Bay detainees. In a recording of the event, Justice Scalia said that he was "astounded" at the world reaction to Guantanamo because "[w]e are in a war." He also said that "[w]e never gave a trial in civil courts to people captured in a war" and that it was a "crazy idea" to give captured combatants such judicial processes. Justice Scalia also added a personal note to his remarks, saying, "I had a son on that battlefield [in Iraq], and they were shooting at my son, and I'm not about to give this, this man who was captured in a war a full jury trial."<sup>464</sup> Subsequently, five retired generals and admirals who had previously filed amicus briefs in *Hamdan*, wrote to the Court asking Justice Scalia to recuse himself, arguing that his remarks gave rise to "the unfortunate appearance that, even before the briefing in this case was complete, the Justice had made up his mind about the merits."<sup>465</sup> The Court ultimately ruled that the president did not have the authority to set up the war crimes tribunals and found the special military commissions illegal under both military justice law and the Geneva Conventions. Justice Scalia dissented.

## 2014

- Justice Ginsburg gave an interview to *The New Republic* in which she offered commentary on Texas House Bill 2 (HB2), a law that required physicians who performed abortions to obtain admitting privileges at a local hospital.<sup>466</sup> In the interview, Justice Ginsburg was asked "if state lawmakers could be trusted to safeguard abortion rights." She responded by saying, "[h]ow could you trust legislatures in view of the restrict[ion]s states are imposing? Think of the Texas legislation that would put most clinics out of business ... In my view, both [courts and legislatures] have been moving in the wrong direction."<sup>467</sup> In the 2016 case *Whole Woman's Health v. Hellerstedt*,<sup>468</sup> the Court ruled that HB2 was unconstitutional. Justice Ginsburg did not recuse herself in the case.

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<sup>462</sup> Richard A. Serrano & David G. Savage, *Ginsburg Has Ties to Activist Group*, L.A. TIMES (Mar. 11, 2004), <https://www.latimes.com/archives/la-xpm-2004-mar-11-na-ginsburg11-story.html>.

<sup>463</sup> *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006).

<sup>464</sup> Nina Totenberg, *Scalia Remarks Draw Criticism Before Guantanamo Case*, NPR (Mar. 27, 2006), <https://www.npr.org/templates/story/story.php?storyId=5304714>.

<sup>465</sup> Lyle Denniston, *Scalia asked to step aside*, SCOTUSBLOG (Mar. 27, 2006), <https://www.scotusblog.com/2006/03/scalia-asked-to-step-aside/>.

<sup>466</sup> Jacob Gershman, *Justice Ginsburg Comments on Abortion Law Stir Recusal Debate*, WALL ST. J. (Oct. 1, 2014), <https://www.wsj.com/articles/BL-LB-49396>.

<sup>467</sup> Jeffrey Rosen, *Ruth Bader Ginsburg Is an American Hero*, NEW REPUBLIC (Sep. 28, 2014), <https://newrepublic.com/article/119578/ruth-bader-ginsburg-interview-retirement-feminists-jazzercise>.

<sup>468</sup> *Whole Woman's Health v. Hellerstedt*, 579 U.S. 582 (2016).



## 2016

- Justice Ginsburg told *The New York Times* in an interview: “I can’t imagine what the country would be – with Donald Trump as our president.” She offered other public criticisms of the then-Republican presidential candidate days later. The following day she apologized for her “ill-advised” comments.<sup>469</sup> The Court reviewed only one matter in the 2016 election cycle where the Trump campaign was a party—an emergency application to vacate a stay issued against the Ohio Democratic Party. Justice Ginsburg did not recuse herself from the denial of this application and voted with the Court to deny the application.<sup>470</sup>

## 2021

- Justice Alito did not recuse himself in cases involving the 2020 presidential election or the January 6 insurrection, such as *Republican Party of Pennsylvania v. Degraffenreid*, *Trump v. Thompson*, *Trump v. Anderson*, *Fisher v. United States*, or *Trump v. United States*, despite allowing an upside-down American flag to be flown at his home just 11 days after then-President Trump incited the insurrection in an effort to subvert the 2020 presidential election. The upside-down American flag had become a symbol of the “Stop the Steal” movement and was carried by followers of then-President Trump at the insurrection. This issue will be discussed further in Section VII.C.1.

## 2023

- Justice Alito did not recuse himself in *Moore v. United States* despite sitting for an interview with an attorney for the petitioner while the case was before the Court. This issue will be discussed further in Section VII.C.2.
- Justice Alito did not recuse himself in *Fisher v. United States* or *Trump v. United States* despite allowing an “Appeal to Heaven” flag to be flown at his Long Beach Island property in 2023. The “Appeal to Heaven” flag had become a symbol of the “Stop the Steal” movement and was carried by followers of then-President Trump at the insurrection. This issue will be discussed further in Section VII.C.1.

### B. Other General Recusal Issues

As Section VII.A illustrates, there are many cases, particularly in the context of stocks, when a justice violated federal law by remaining on a case in which she had a financial interest. While some of these situations may be willful, it appears the internal procedures the justices rely on to identify recusal issues may not be thorough enough. Other recusal issues arise due to justices’ personal, non-familial relationships with the parties that come before them. What follows is a non-comprehensive list of examples of these other recusal issues.

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<sup>469</sup> Adam Liptak, *Ruth Bader Ginsburg, No Fan of Donald Trump, Critiques Latest Term*, N.Y. TIMES (Jul. 10, 2016), <https://www.nytimes.com/2016/07/11/us/politics/ruth-bader-ginsburg-no-fan-of-donald-trump-critiques-latest-term.html>.

<sup>470</sup> *Ohio Democratic Party v. Donald J. Trump for President*, 580 U.S. 978 (2016).

## 2004

- Three weeks after the Supreme Court announced it would hear *Cheney v. United States Dist. Court*,<sup>471</sup> Justice Scalia went on a hunting trip to Louisiana with Vice President Cheney, whose powers were directly contested in the case.<sup>472</sup> The Sierra Club filed a motion requesting Justice Scalia recuse himself from the case, which he denied in a 21-page memorandum explaining his decision.<sup>473</sup>

## 2016

- Chief Justice Roberts initially did not recuse himself in *Life Technologies Corp. v. Promega Corp.*,<sup>474</sup> despite owning shares in Thermo Fisher Scientific, Life Technologies' parent company. He only recused himself after the error was brought to his attention following oral argument.<sup>475</sup> In a letter to the attorneys in the case, the clerk of the Supreme Court wrote that "the ordinary conflict check conducted in the Chief Justice's chambers inadvertently failed to find this potential conflict."<sup>476</sup>

## 2017

- Justice Kagan initially did not recuse in *Jennings v. Rodriguez*,<sup>477</sup> despite her previous work on the case when she was U.S. solicitor general. She stepped aside when the error was brought to her attention. This announcement came over a month after oral argument in the case was heard.<sup>478</sup>

## 2020

- Justice Sotomayor initially did not recuse herself from *Colorado Department of State v. Michael Baca*, despite her close friendship with Polly Baca, one of the respondents. After some months, she did recuse. In a letter to the parties in the case, the clerk of the Supreme Court said that the "initial conflict check conducted in Justice Sotomayor's Chambers did not identify this potential conflict."<sup>479</sup>

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<sup>471</sup> *Cheney v. United States Dist. Court*, 542 U.S. 367 (2004).

<sup>472</sup> Charles Lane, *Sierra Club Wants Scalia To Sit Out Task Force Case*, WASH. POST (Feb. 23, 2004), <https://wapo.st/3BcDJL9>.

<sup>473</sup> *Cheney v. United States Dist. Court*, 541 U.S. 913 (Scalia, J. mem.).

<sup>474</sup> *Life Technologies Corp. v. Promega Corp.*, 580 U.S. 140 (2017).

<sup>475</sup> Lawrence Hurley, *U.S. chief justice steps aside in patent case over stock conflict*, REUTERS (Jan. 4, 2017), <https://www.reuters.com/article/usa-court-thermo-fisher-idUSL1N1EU1TB/>.

<sup>476</sup> Amy Howe, *Roberts recuses from December patent case*, SCOTUSBLOG (Jan. 4, 2017), <https://www.scotusblog.com/2017/01/roberts-recuses-december-patent-case/>.

<sup>477</sup> *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

<sup>478</sup> Amy Howe, *Kagan recuses from immigrant-detention case*, SCOTUSBLOG (Nov. 10, 2017), <https://www.scotusblog.com/2017/11/kagan-recuses-immigrant-detention-case/>.

<sup>479</sup> Harper Neidig, *Sotomayor recuses herself from case on 'faithless electors'*, THE HILL (Mar. 10, 2020), <https://thehill.com/regulation/court-battles/486877-sotomayor-recuses-herself-from-case-on-faithless-electors/>.

## C. Cases in Which Justice Alito Failed to Properly Recuse Himself

### 1. Display of Flags Associated with January 6 Insurrection

On May 16, 2024, *The New York Times* revealed that an upside-down American flag had been flown at Justice Alito's home in the immediate aftermath of the January 6 insurrection.<sup>480</sup> This flag has been used by many movements to signal dissatisfaction with the federal government, which alone would raise ethical questions about a justice's display of the flag. By January 2021, the flag had been adopted by then-President Trump's supporters following his 2020 reelection defeat to the point that the flag was "really established as a symbol of the 'Stop the Steal' campaign."<sup>481</sup> It was flown prominently at the January 6 insurrection.

Eleven days after the insurrection, while this flag was being flown at Justice Alito's home, the Court was actively considering *Republican Party of Pennsylvania v. Degraffenreid*, a case brought by supporters of then-President Trump concerning the validity of certain of Pennsylvania's absentee ballots. While the Court ultimately declined to take up the case, Justice Alito joined Justices Thomas and Gorsuch in a dissent explaining why they would have taken up this case.<sup>482</sup>

Justice Alito provided a short initial explanation to the *Times* regarding the display of the upside-down American flag outside his home: "I had no involvement whatsoever in the flying of the flag...It was briefly placed by Mrs. Alito in response to a neighbor's use of objectionable and personally insulting language on yard signs."<sup>483</sup> In a later interview with *Fox News*, Justice Alito added more detail to this explanation, contending that the situation began with Ms. Alito speaking to neighbors about a sign that read "Fuck Trump," allegedly placed near a children's bus stop.<sup>484</sup> According to Justice Alito, the same neighbors put up a sign directly attacking Ms. Alito after the conversation, and then, in a later interaction, argued with Ms. Alito and used derogatory language, "including the C-word." It was after this, according to Justice Alito, that Ms. Alito decided to fly the flag as a statement against these neighbors. Subsequently, Justice Alito provided the following explanation to Chair Durbin and Senator Whitehouse in a letter:

[My wife] was greatly distressed at the time due, in large part, to a very nasty neighborhood dispute in which I had no involvement. A house on the street displayed a sign attacking her personally, and a man who was living in the house at the time trailed her all the way down the street and berated her in my presence using foul language,

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<sup>480</sup> Jodi Kantor, *At Justice Alito's House, A 'Stop the Steal' Symbol on Display*, N.Y. TIMES (May 16, 2024), <https://www.nytimes.com/2024/05/16/us/justice-alito-upside-down-flag.html>.

<sup>481</sup> *Id.*

<sup>482</sup> *Republican Party of Pennsylvania v. Degraffenreid*, 141 S. Ct. 732 (2021) (Alito, J., dissenting).

<sup>483</sup> Kantor, *supra* note 480.

<sup>484</sup> Shannon Bream & Greg Norman, *Alito says wife displayed upside-down flag after argument with insulting neighbor*, FOX NEWS (May 17, 2024), <https://www.foxnews.com/politics/alito-wife-displayed-upside-down-flag-argument-insulting-neighbor>.

including what I regard as the vilest epithet that can be addressed to a woman.<sup>485</sup>

While there is no justification for a “Stop the Steal” symbol flying on a Supreme Court justice’s property in the immediate aftermath of January 6, these explanations would help contextualize the situation if true. But police records and interviews with the neighbors contradict Justice Alito’s version of events.<sup>486</sup> Most significant is that the alleged encounter with the derogatory language could not have been the impetus for Ms. Alito to fly the upside-down flag. Photographic evidence shows that the upside-down flag was flown as early as January 17, 2021. Yet, the encounter with derogatory language did not take place until February 15, 2021—nearly a month later. This date is marked by a call to police placed by the neighbors because, in their accounting of the situation, Ms. Alito repeatedly confronted them to the point that it constituted harassment. According to the *Times*, the neighbors told the police “somebody in a position of authority needs to talk to her and make her stop.”<sup>487</sup>

Photographic evidence and interviews with others in the neighborhood likewise confirm that the neighbors never placed a sign personally attacking Ms. Alito; the only signs they placed were one that read “Fuck Trump” on the front and “Bye Don” on the back, one that read “Trump Is a Fascist,” and a final one that read “You Are Complicit.” It is certainly possible that Ms. Alito was offended by the signs and interpreted the final sign to be directed at her. It was not until 2022, after the neighbors had moved away, that they came back to the neighborhood to hold signs calling Justice Alito a “fascist” and “insurrectionist” in protest of his majority opinion in *Dobbs v. Jackson Women’s Health Organization*, which overturned *Roe v. Wade*.<sup>488</sup> Ms. Alito’s purported concern with the signs being near a children’s bus stop also does not withstand scrutiny, because at the height of the COVID-19 pandemic Fairfax school children were attending school virtually.<sup>489</sup> At best, Justice Alito has exaggerated the details of this situation to put himself and his wife in the best possible light; at worst, he has misled Congress and the American people about the appearance of bias in cases of immense national and historic importance. Even if the neighbors’ conduct was inappropriate or unnecessarily provocative, it does not excuse Justice Alito’s duty to avoid the appearance of partiality.

The upside-down American flag was not an isolated incident. In July and September of 2023, the “Appeal to Heaven” flag was documented flying at Justice Alito’s Long Beach Island home.<sup>490</sup> Like the upside-down American flag, the “Appeal to Heaven” flag was carried by rioters on January 6.<sup>491</sup>

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<sup>485</sup> The Honorable Samuel A. Alito, Associate Justice, U.S. Supreme Court, to the Honorable Richard J. Durbin, Chair, and Shelton Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary (May 29, 2024), Appendix A, Key Document N.

<sup>486</sup> Justin Jouvenal, *Alito’s account of the upside-down flag doesn’t fully add up. Here’s why.*, WASH. POST (Jun. 5, 2024), <https://www.washingtonpost.com/politics/2024/06/05/justice-alito-flags-unanswered-questions/>.

<sup>487</sup> Jodi Kantor, *The Alitos, the Neighborhood Clash and the Upside-Down Flag*, N.Y. TIMES (May 28, 2024), <https://www.nytimes.com/2024/05/28/us/justice-alito-neighbors-stop-steal-flag.html>.

<sup>488</sup> *Id.*

<sup>489</sup> Jouvenal, *supra* note 486.

<sup>490</sup> Jodi Kantor, Aric Toler & Julie Tate, *Another Provocative Flag Was Flown at Another Alito Home*, N.Y. TIMES (May 22, 2024), <https://www.nytimes.com/2024/05/22/us/justice-alito-flag-appeal-to-heaven.html>.

<sup>491</sup> *Id.*

This particular flag connotes more than generalized grievance against the government of the United States. While the flag was initially commissioned in 1775 for use on certain American Revolutionary War ships, by approximately 2015 the flag had been coopted by Christian nationalists. Dutch Sheets, a leader of the fundamentalist New Apostolic Reformation (NAR) movement, went on a nationwide tour he dubbed “An Appeal to Heaven” and used the flag as a symbol of Christian nationalism. Sheets later became a prominent denier of the 2020 presidential election results, and repeatedly called for his followers to “fight for us,” “make a stand,” and engage in “war to get God’s will and God’s person back in office” in the lead up to January 6.<sup>492</sup> Another NAR adherent, former Pennsylvania state senator Doug Mastriano, who led the efforts to overturn Pennsylvania’s 2020 presidential election vote, used the flag as a backdrop during online streams and posted it on Twitter in the aftermath of January 6, which he attended.<sup>493</sup>

Unlike the upside-down American flag, Justice Alito has disputed the meaning of the “Appeal to Heaven” flag, stating in a letter to Chair Durbin and Senator Whitehouse that:

I was not familiar with the ‘Appeal to Heaven’ flag when my wife flew it. She may have mentioned that it dates back to the American Revolution, and I assumed she was flying it to express a religious and patriotic message. I was not aware of any connection between this historic flag and the ‘Stop the Steal Movement,’ and neither was my wife. She did not fly it to associate herself with that or any other group, and the use of an old historic flag by a new group does not necessarily drain that flag of all other meanings.<sup>494</sup>

This explanation is hard to give credence to given Ms. Alito’s own remarks about how she uses flags. In a surreptitiously recorded conversation at a 2024 Supreme Court Historical Society dinner, Ms. Alito indicated that she will again fly protest flags at their Long Beach Island home after Justice Alito ends his tenure on the Court: “I want a Sacred Heart of Jesus flag because I have to look across the lagoon at the pride flag for the next month. I said, ‘when you are free of this nonsense, I’m putting it up.’”<sup>495</sup> The Appeal to Heaven flag has a long history, but Ms. Alito appears to have a habit of flying flags to express political messages to her neighbors. These two well-established “Stop the Steal” symbols being flown at two of the Alitos’ properties while Justice Alito actively participated in cases concerning the 2020 presidential election and January 6 creates an appearance of partiality that can only be addressed by recusal.

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<sup>492</sup> Tim Dickinson, *Meet the Apostle of Right-Wing Christian Nationalism*, ROLLING STONE (Sep. 1, 2022), <https://www.rollingstone.com/politics/politics-news/new-apostolic-reformation-mtg-mastriano-dutch-sheets-1234584952/>.

<sup>493</sup> *Id.*

<sup>494</sup> The Honorable Samuel A. Alito, Associate Justice, U.S. Supreme Court, to the Honorable Richard J. Durbin, Chair, and Shelton Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary (May 29, 2024).

<sup>495</sup> Josh Gerstein, *Alito and his wife are captured in audio recordings talking about abortion leak, flag controversy*, POLITICO (Jun. 10, 2024), <https://www.politico.com/news/2024/06/10/alito-wife-supreme-court-recordings-00162610>.

For these reasons, Chair Durbin called for Justice Alito to recuse himself from *Trump v. United States*,<sup>496</sup> which he refused to do.<sup>497</sup>

To date, the only person in the judiciary who has faced consequences for Justice Alito's action and inaction is Judge Michael Posnor. In May 2024, Judge Posnor authored an opinion piece that argued:

The fact is that, regardless of its legality, displaying the flag in that way, at that time, shouldn't have happened. To put it bluntly, any judge with reasonable ethical instincts would have realized immediately that flying the flag then and in that way was improper.<sup>498</sup>

A review found that this commentary violated the *Code of Conduct for U.S. Judges* that binds all federal judges except the Supreme Court justices. Judge Posnor acknowledged violating the rules, apologized for his actions, and committed to seeking ethics advice before doing further outside writing.<sup>499</sup>

This episode highlights the substantial disparity between the strictness and enforceability of ethical requirements that bind all other federal judges and the conduct that the Court allows the justices to engage in without consequence.

## **2. Interview with an Attorney with a Case Pending Before the Court**

In April and July 2023, Justice Alito sat for two interviews that were published in *The Wall Street Journal*'s editorial page on July 28, 2023.<sup>500</sup> The interviews were conducted in part by David Rivkin, a partner at BakerHostetler LLP. At the time of these interviews, Mr. Rivkin was on the team representing the plaintiff-appellants in *Moore v. United States*, a case that was pending before the Court. Mr. Rivkin represented the clients in *Moore* before the district court, where their case was dismissed, and the Ninth Circuit, which affirmed the district court's dismissal.<sup>501</sup> On February 21, 2023, two months prior to the first interview with Justice Alito,

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<sup>496</sup> Office of Senator Richard J. Durbin, Press Release, Durbin Calls On Justice Alito To Recuse Himself From Cases Related To The 2020 Election After A 'Stop The Steal' Symbol Was Displayed In His Yard (May 17, 2024), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-calls-on-justice-alito-to-recuse-himself-from-cases-related-to-the-2020-election-after-a-stop-the-steal-symbol-was-displayed-in-his-yard>. Staff find the Alitos' apparent association with "Stop the Steal" and support of the election subversion, in general and directly after January 6, to be particularly outrageous given the terror our members, colleagues, and other Capitol complex staff endured on January 6 directly next door to the Supreme Court.

<sup>497</sup> See *Trump v. United States*, 144 S. Ct. 2312 (2024).

<sup>498</sup> Michael Posnor, *A Federal Judge Wonders: How Could Alito Have Been So Foolish?*, N.Y. TIMES (May 24, 2024), <https://www.nytimes.com/2024/05/24/opinion/alito-flag-supreme-court.html>.

<sup>499</sup> Jess Bravin, *Judge Broke Rules by Criticizing Justice Alito During Flag Flap*, WALL ST. J. (Dec. 17, 2024), <https://www.wsj.com/us-news/law/judge-broke-rules-by-criticizing-justice-alito-during-flag-flap-784405fb>.

<sup>500</sup> David B. Rivkin & James Taranto, *Samuel Alito, the Supreme Court's Plain-Spoken Defender*, WALL ST. J. (Jul. 28, 2023), <https://www.wsj.com/articles/samuel-alito-the-supreme-courts-plain-spoken-defender-precedent-ethics-originalism-5e3e9a7>.

<sup>501</sup> See *Moore v. United States*, No. C19-1539-JCC, 2020 WL 6799022 (Nov. 19, 2020); *Moore v. United States*, 36 F.4<sup>th</sup> 930 (9th Cir. 2022).

Mr. Rivkin and his team sought certiorari for their clients.<sup>502</sup> Between the first and second interview—on June 26—the Court granted certiorari, agreeing to hear Mr. Rivkin’s clients’ case.<sup>503</sup>

It is uncommon, but not unprecedented, for a sitting justice to participate in an interview.<sup>504</sup> What is unusual is for a justice to sit for an interview with an attorney who represents a client with a matter pending before the Court. In the subsequent articles, Mr. Rivkin and his fellow interviewer appeared to attempt to curry favor with Justice Alito, casting him as “the Supreme Court’s Plain-Spoken Defender” and describing the investigative reporting from *ProPublica* about Justice Alito’s undisclosed luxury travel with conservative billionaires as a “hit piece.”<sup>505</sup>

This problematic conduct and Justice Alito’s concerning relationship with Mr. Rivkin, which extends beyond these interviews, prompted 10 Democratic members of the Senate Judiciary Committee to call for Justice Alito to recuse himself from *Moore*.<sup>506</sup> Mr. Rivkin is also counsel for Leonard Leo with regard to the Senate Judiciary Committee’s investigation into Mr. Leo’s actions to facilitate gifts of free transportation and lodging that Justice Alito accepted from Paul Singer and Robin Arkley II in 2008.<sup>507</sup>

Justice Alito declined to recuse himself in a statement appended to the Court’s September 8, 2023 orders.<sup>508</sup> The substance of Justice Alito’s response is unpersuasive and further demonstrates his hostility to reasonable concerns regarding his actions. Most notably, Justice Alito did not base his declination to recuse on the governing standard for his own conduct—i.e., whether he created an appearance of impropriety in the minds of reasonable members of the public—but rather on the Court’s prudential concern that justices have a “duty to sit.” Supreme Court justices do face a unique risk with regard to recusal; unlike district and circuit court judges, a justice cannot be replaced by another sitting judge when they recuse. However, this concern should be mitigated by the justices not engaging in conduct that requires recusal. Here, Justice Alito uses the “duty to sit” as a shield to allow him to act with impunity.

Justice Alito also made the disingenuous claim that the justices “have no control over the attorneys whom parties select to represent them.” While true, this is irrelevant in the context of Justice Alito’s interviews with Mr. Rivkin. At the time Justice Alito chose to sit for interviews

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<sup>502</sup> Petition for Writ of Certiorari, *Moore v. United States*, No. 22-800 (Feb. 21, 2023).

<sup>503</sup> *Moore v. United States*, No. 22-800, 2023 WL 4163201 (Jun. 26, 2023).

<sup>504</sup> Robert Barnes, *Alito will not recuse in case involving lawyer who interviewed him*, WASH. POST (Sep. 8, 2023).

<sup>505</sup> *Id.* *ProPublica* won the Pulitzer Prize for Public Service for this and other investigative reports in their coverage of the Supreme Court’s self-inflicted ethics crisis.

<sup>506</sup> See Letter from Ten Senate Judiciary Committee Democrats to the Honorable John Roberts, Chief Justice, U.S. Supreme Court (Aug. 3, 2023), Appendix A, Key Document K.

<sup>507</sup> See Letter from David B. Rivkin, Baker Hostetler LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Leonard Leo (Jul. 25, 2023); Letter from David B. Rivkin, Baker Hostetler LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Leonard Leo (Oct. 19, 2023); Letter from David B. Rivkin, Baker Hostetler LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Leonard Leo (Jan. 24, 2024), Appendix G, Key Document F.

<sup>508</sup> *Moore v. United States*, 144 S. Ct. 2 (Sep. 8, 2023) (Statement of Alito, J.).

with Mr. Rivkin, Mr. Rivkin already had an active matter before the Court. Justice Alito's framing of this interaction is misleading as well. He contended that "[w]hen Mr. Rivkin participated in the interviews and co-authored the articles, he did so as a journalist, not an advocate." Mr. Rivkin is not a journalist; he is a partner at one of the highest grossing law firms in the world, where profit per equity partner is \$1,818,000 per year.<sup>509</sup> Occasional commentary does not a journalist make. Moreover, Mr. Rivkin's interview with Justice Alito was commentary, not reportage, and thus appeared on the opinion page of *The Wall Street Journal*, whose conservative editorial board is well known for stridently defending Justices Alito and Thomas.<sup>510</sup>

Justice Alito further claims that his conduct was wholly appropriate, because "[o]ver the years, many Justices have participated in interviews with representatives of media entities that have frequently been parties in cases before the Court." But Justice Alito's interview with Mr. Rivkin is not comparable to other interviews of justices where the media outlet, but not the interviewer herself, is a party to a case that is not pending at the time of the interview. With one exception, none of outlets Justice Alito cited had active matters before the Court at the time of the interview. In the single exception, the publication, but not the interviewer, was a party to the case.<sup>511</sup> Some of Justice Alito's examples included interviews and litigation separated by as much as six years.<sup>512</sup>

Further, many of the interviews he cited do not involve any parties to a matter before the Court, but rather the attorneys or organizations who are amicus curiae —non-parties who filed briefs that offer expertise on particular questions. Amici present many ethical issues that are outside the scope of this report. But suffice to say that justices sitting for interviews with non-parties do not present the same ethical issues as justices who are interviewed by attorneys and/or parties with active matters before the Court.

Perhaps most absurd of all, Justice Alito cited as comparable Bryan Garner's interviews with multiple justices about the importance of grammar in legal writing and advocacy. It is self-evident that discussing grammar is qualitatively different than the content of Justice Alito's partisan interview. Additionally, Garner had no active cases before the Court during these interviews, with the closest interview in time taking place almost five years before his 2020 argument before the Court.<sup>513</sup>

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<sup>509</sup> *BakerHostetler*, LAW.COM, <https://www.law.com/law-firm-profile/?id=19&name=Baker-%26-Hostetler-LLP>.

<sup>510</sup> Rivkin & Taranto, *supra* note 500.

<sup>511</sup> The petition for certiorari in *National Review, Inc. v. Mann* was pending at the time of Justice Gorsuch's interview with Charles C.W. Cooke; however, Mr. Cooke was not himself a party to this case, which centered on allegedly defamatory statements made by Mark Steyn and Rand Simberg in commentary about the plaintiff's climate change work.

<sup>512</sup> Justice Alito cites Jan Crawford Greenburg's November 17, 2006 interview with Chief Justice Roberts for *ABC News* and *ABC*'s subsequent case before the Supreme Court, *American Broad. Cos., Inc. v. Aereo, Inc.*, 573 U.S. 431 (2014). The petition for certiorari in this case was not filed until October 11, 2013, almost seven years after the interview. Ms. Greenburg was not a party to or attorney for this case.

<sup>513</sup> LawProse with Bryan A. Garner, *Hon. Elena Kagan, Associate Justice Parts 1 to 4*, YOUTUBE (Aug. 26, 2015), <https://www.youtube.com/watch?v=fVf2Y7veCtE>; see *Facebook Inc. v. Duguid*, 592 U.S. 395 (2020).



Justice Alito cited no cases where another justice sat with an interviewer with an active case before the Court either as an attorney for a party or as a party. This illustrates just how far outside the acceptable norm his conduct was. The Committee finds the fundamental unseriousness of Justice Alito's reasoning in this recusal decision to demonstrate a shocking disregard for reasonable concerns about the appearance of impropriety.

The Court announced its decision in *Moore* on June 20, 2024.<sup>514</sup> The Court ruled against Mr. Rivkin's client, and Justice Alito joined Justice Barrett's concurrence with the judgment of the Court. The Committee takes no stance on the propriety of the Court granting certiorari in *Moore* or the ultimate holding. But the posture of Mr. Rivkin's clients in this case illustrates how favor could be shown to his clients or Mr. Rivkin personally, even if the ultimate decision of the Court was not favorable. Litigation strategy includes risk management; a central question in all civil matters is whether the cost of pursuing the claim outweighs the potential gains. From that perspective, simply granting certiorari could show meaningful favor to an attorney or party without ultimately ruling in their favor on the merits.

In *Moore*, the opposing party had already prevailed at every stage of litigation, including Mr. Rivkin's client's petition for rehearing en banc.<sup>515</sup> Had Mr. Rivkin's client not been granted certiorari, the case would have ended, along with the defendant-respondent's litigation costs. The certiorari grant extended the litigation and thereby increased the costs to the defendant-respondent, expanding the bargaining power of Mr. Rivkin's client to reach a settlement. Likewise, the Court's decision to grant certiorari enriches lawyers with paying clients because continued litigation means more billable hours. No party in a proceeding should be worried that any justice might be influenced to favor the opposing party substantively or procedurally, and Justice Alito's unprecedented conduct here created that concern.

**“The Committee finds the fundamental unseriousness of Justice Alito’s reasoning in this recusal decision to demonstrate a shocking disregard for reasonable concerns about the appearance of impropriety.”**

## **D. Additional Commentary Calling into Question Justice Alito's Impartiality**

### **1. Commentary Calling into Question Justice Alito's Impartiality**

For the past several years Justice Alito has regularly and proactively offered his personal sentiments about subjects touching on cases and questions regularly before the Court. In 2020, Justice Alito made unambiguously partisan remarks concerning several issues in a keynote speech at the Federalist Society Convention.<sup>516</sup> He criticized governors for issuing “sweeping restrictions” in response to COVID-19, stating: “we have never before seen restrictions as

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<sup>514</sup> *Moore v. United States*, 144 S. Ct. 1680 (2024).

<sup>515</sup> *Moore v. United States*, 53 F.4th 507 (9th Cir. 2022).

<sup>516</sup> Sanjana Karanth, *Samuel Alito Goes Full Political Commentator In Federalist Society Speech*, HUFFPOST (Nov. 12, 2020), [https://www.huffpost.com/entry/samuel-alito-political-supreme-court\\_n\\_5fadf9f1c5b6dd8959789997](https://www.huffpost.com/entry/samuel-alito-political-supreme-court_n_5fadf9f1c5b6dd8959789997).

severe, extensive and prolonged as those experiences for most of 2020.”<sup>517</sup> He argued that these restrictions were resulting in “previously unimaginable restrictions on individual liberty.”<sup>518</sup> Justice Alito condemned the Court’s decision in *Obergefell v. Hodges*, arguing that “now it is considered bigotry [to] say that marriage is the union between one man and one woman” and that freedom of speech “is falling out of favor in some circles.”<sup>519</sup> Erwin Chemerinsky, Dean of the University of California, Berkeley School of Law, contemporaneously criticized this speech, noting that he could not “think of any speech [by a justice] like this one that discussed so many issues and in a clearly, ideological, partisan way.”<sup>520</sup>

## **2. Commentary on Congressional Efforts to Require an Enforceable Code of Conduct for the Supreme Court**

Justice Alito’s interviews with Mr. Rivkin prejudged Congress’s ability to address the ethics crisis the Court has brought on itself. Justice Alito stated: “I know this is a controversial view, but I’m willing to say it. No provision in the Constitution gives [Congress] the authority to regulate the Supreme Court—period.”<sup>521</sup> Setting aside the fact that this view is false, as discussed in Section II, Justice Alito publicly prejudged a matter that could come before the Court in the future—this Committee’s legislative effort to establish an enforceable code of conduct for the justices.<sup>522</sup> Because these comments “unquestionably engender doubt that he could fairly discharge his duties should this question come before the Court,” 10 Democratic Members of the Senate Judiciary Committee called for Justice Alito to “recuse himself in any future cases concerning legislation that regulates the Court.”<sup>523</sup>

### **E. Cases in Which Justice Thomas Failed to Recuse Himself**

#### **1. Ginni Thomas’s Involvement with the “Stop the Steal” Movement and Right-Wing Causes**

The spouses of justices are independent actors who are free to conduct themselves as they wish and do not relinquish their First Amendment freedom of speech by virtue of their marriage to a justice. Nonetheless, their actions can have direct implications for the ethical obligations of the justices. This is particularly true of Justice Thomas’s wife, Ginni Thomas, a political operative who regularly works on issues before the Court and with attorneys and parties who bring those issues before the Court. As detailed in Sections V.3 and VI.A.2, Ms. Thomas’s work has been intimately tied to advancing the political interests of elected Republicans and

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<sup>517</sup> *Id.*

<sup>518</sup> *Id.*

<sup>519</sup> Janna Adelstein, *Justice Alito and Supreme Court Ethics*, BRENNAN CTR. FOR JUSTICE (Nov. 20, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/justice-alito-and-supreme-court-ethics>.

<sup>520</sup> *Id.*

<sup>521</sup> Rivkin & Taranto, *supra* note 500.

<sup>522</sup> See May 2, 2023 Senate Committee on the Judiciary Hearing, <https://www.judiciary.senate.gov/committee-activity/hearings/supreme-court-ethics-reform>; Executive Business Meeting, Senate Committee on the Judiciary (Jul. 20, 2023), <https://www.judiciary.senate.gov/committee-activity/hearings/07/13/2023/executive-business-meeting>.

<sup>523</sup> Letter from Ten Senate Judiciary Committee Democrats to the Honorable John Roberts, Chief Justice, U.S. Supreme Court (Aug. 3, 2023).

movement conservatives, including Mr. Crow and Mr. Leo, both of whom have provided or directed considerable amounts of money to her and her businesses.

Most recently, Ms. Thomas created an obvious conflict of interest for Justice Thomas due to her efforts to subvert the 2020 presidential election as part of the “Stop the Steal” movement, including direct engagement with Trump Administration and state legislative officials. Starting on November 5, 2020, Ms. Thomas began regularly texting then-President Trump’s Chief of Staff Mark Meadows, unambiguously urging him to help President Trump subvert the results of the election with messages like: “Do not concede. It takes time for the army who is gathering for his back.”<sup>524</sup> During this time period, Ms. Thomas also corresponded with John Eastman, the architect of the campaign pressuring then-Vice President Pence to unlawfully block Congress’s certification of the election results.<sup>525</sup>

Ms. Thomas also personally advocated for election subversion to state lawmakers in multiple swing states. On November 9, Ms. Thomas began pressing then-Arizona Speaker of the House Russell Bowers and then-State Representative Shannna Bolick to set aside President Biden’s victory in the state and put forward a false slate of electors.<sup>526</sup> She continued this personal pressure campaign on at least 29 Arizona state lawmakers with what appear to be form letters, including messages sent on December 13—prior to the Electoral College’s December 14 vote.<sup>527</sup> Ms. Thomas also sent identical requests to put forward false electors to a Wisconsin state senator and state representative.<sup>528</sup> On January 6, she personally attended the “Stop the Steal” rally at the Ellipse, prior to the insurrection at the Capitol.<sup>529</sup> Yet, when questioned under penalty of perjury by the House Select Committee on the January 6 Attack about what “the most significant case of voter fraud that [she was] concerned with after the election took place,” Ms. Thomas had none, stating: “I can’t say that I was familiar at that time with any specific evidence.”<sup>530</sup>

Despite her view that “her involvement in the event has no bearing on the work of her husband,”<sup>531</sup> Ms. Thomas’s conduct created an unavoidable conflict of interest for Justice

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<sup>524</sup> Bob Woodward & Robert Costa, *Virginia Thomas urged White House chief to pursue unrelenting efforts to overturn the 2020 election, texts show*, WASH. POST (Mar. 24, 2022), <https://www.washingtonpost.com/politics/2022/03/24/virginia-thomas-mark-meadows-texts/>.

<sup>525</sup> Ryan Nobles, Zachary Cohen, Annie Grayer, Katelyn Plantz & Chandelis Duster, *January 6 committee has emails between Ginni Thomas and John Eastman*, CNN (Jun. 16, 2022), <https://www.cnn.com/2022/06/15/politics/ginni-thomas-john-eastman-emails-january-6-committee/index.html>.

<sup>526</sup> Emma Brown, *Ginni Thomas, wife of Supreme Court justice, pressed Ariz. Lawmakers to help reverse Trump’s loss, emails show*, WASH. POST (May 20, 2022), <https://www.washingtonpost.com/investigations/2022/05/20/ginni-thomas-arizona-election-emails/>.

<sup>527</sup> Emma Brown, *Ginni Thomas pressed 29 Ariz. Lawmakers to help overturn Trump’s defeat, emails show*, WASH. POST (Jun. 10, 2022), <https://www.washingtonpost.com/investigations/2022/06/10/ginni-thomas-election-arizona-lawmakers/>.

<sup>528</sup> Emma Brown, *Ginni Thomas pressed Wisconsin lawmakers to overturn Biden’s 2020 victory*, WASH. POST (Sep. 1, 2022), <https://www.washingtonpost.com/investigations/2022/09/01/ginni-thomas-wisconsin-bernier-tauchen/>.

<sup>529</sup> Kevin Daley, *Exclusive: Ginni Thomas Wants to Set the Record Straight on January 6*, WASHINGTON FREE BEACON (Mar. 14, 2022), <https://freebeacon.com/courts/exclusive-ginni-thomas-sets-the-record-straight-on-january-6/>.

<sup>530</sup> Transcript of Virginia Thomas Interview with the Select Committee to Investigate the January 6 Attack on the United States Capitol at 38 (Sep. 29, 2022).

<sup>531</sup> Daley, *supra* note 529.

Thomas. Federal law prohibits a justice from hearing a case where “his spouse...has a financial interest...or any other interest that could be substantially affected by the outcome of the proceeding.”<sup>532</sup> Every case regarding the 2020 election and January 6 concerns interests of Ms. Thomas that could be substantially affected by the outcome of those proceedings. This is the case, because, among other things, she personally sought to subvert the 2020 election and her communications are evidence in the investigations and prosecutions of other defendants who sought to subvert the 2020 election. Chair Durbin and other Committee Democrats have repeatedly called for Justice Thomas to recuse himself from these cases.<sup>533</sup> However, Justice Thomas only recused himself from considering a single matter, *Eastman v. Thompson*.<sup>534</sup> Instead, Justice Thomas has inappropriately participated in every other case before the Court touching on the 2020 election and January 6, including *Trump v. United States*, which effectively immunized President Trump from prosecution for the crimes he allegedly committed in office.

## 2. Involvement in Koch Brothers Fundraisers

In 2008, Justice Thomas attended the Koch brothers’ political network’s annual retreat and fundraiser in Palm Springs, California. This trip happened at a time when the Kochs were funding several litigants with cases before the Supreme Court.<sup>535</sup> In 2011, Justice Thomas publicly acknowledged that he promoted his memoir at a dinner during this retreat. Justice Thomas’s travel and accommodations for this engagement, according to a Supreme Court spokeswoman, “were paid by the Federalist Society, a conservative legal organization.”<sup>536</sup> This event was not included on his disclosure forms.

In 2018, Justice Thomas once again attended the Koch brothers’ political network’s annual retreat and fundraiser held in Palm Springs, California.<sup>537</sup> This event was also not included on his disclosure forms. Staffers for the political network told investigative reporters that Justice Thomas was invited to the event “in the hopes that such access would encourage donors to continue giving.”<sup>538</sup> The next year, Americans for Prosperity Foundation, one of the groups in the Koch political network, petitioned the Court for certiorari in a case where they opposed California’s compelled disclosure rule for donations to charities and nonprofits.<sup>539</sup> Justice Thomas did not recuse himself from consideration of the petition.

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<sup>532</sup> 28 U.S.C. 455(b)(4).

<sup>533</sup> See Allison Pecorin, *Senate Judiciary chair says Justice Clarence Thomas should recuse himself from Jan. 6 cases*, ABC NEWS (Mar. 28, 2022), <https://abcnews.go.com/Politics/senate-judiciary-chair-justice-clarence-thomas-recuse-jan/story?id=83727413>; Senator Dick Durbin (@SenatorDurbin), TWITTER (Feb. 7, 2024, 12:04 PM), <https://x.com/senatordurbin/status/1755276346203246760>. See also Office of Senator Sheldon Whitehouse, Press Release, Whitehouse, Johnson Call On Chief Justice Roberts To Ensure That Justice Clarence Thomas Recuses Himself From January 6th Cases (Apr. 5, 2022), <https://www.whitehouse.senate.gov/news/release/whitehouse-johnson-call-on-chief-justice-roberts-to-ensure-that-justice-clarence-thomas-recuses-himself-from-january-6th-cases/>; Office of Senator Richard Blumenthal, Press Release, Blumenthal Calls For Justice Thomas’s Recusal In Trump January 6th Case (Dec. 20, 2023), <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-calls-for-justice-thomass-recusal-in-trump-january-6th-case>.

<sup>534</sup> *Eastman v. Thompson*, 144 S. Ct. 248 (2023). See also 601 U.S. No. 22-1138 (Oct. 2, 2023).

<sup>535</sup> Smith, *supra* note 203.

<sup>536</sup> The Associated Press, *supra* note 204.

<sup>537</sup> Kaplan, Elliott & Mierjeski, *supra* note 306.

<sup>538</sup> *Id.*

<sup>539</sup> *Id.* See *Americans for Prosperity Foundation v. Bonta*, 141 S. Ct. 2373 (2021).

## F. The Lack of Public Recusal Explanations Prevents Consistent Application of Recusal

One thing that is apparent when reviewing the recusal memoranda drafted by Justices Alito and Scalia in particular is how self-serving they are.<sup>540</sup> Instead of contending with how their own conduct created calls for recusal, they instead hid behind their duty to sit rather than changing their behavior to avoid the appearance of impropriety. Properly understood, the duty to sit should limit the conduct justices engage in to prevent the appearance of impropriety. Despite the flimsiness of their reasoning, these memoranda make clear the value in documenting recusal decisions. Not only do recusal memoranda provide public reasoning that can be scrutinized, allowing requesting parties and the public the chance to voice their agreement or dissent with the reasoning, they also allow for the development of a body of precedent which the justices themselves can publicly reference in their reasoning.

Although recusal memoranda are valuable, they are uncommon. Overwhelmingly, justices do not provide public reasoning for their decisions to hear or recuse from a case. The current lack of such a public body of reasoning provides additional cover for justices to refuse to recuse when circumstances should demand it. Following its November 2023 adoption, Justices Jackson, Gorsuch, Kagan, and Sotomayor have occasionally cited the *Supreme Court Code of Conduct* when recusing in cases, albeit without any explanation beyond the citation.<sup>541</sup> Such recusals represent a promising development, but any decision to recuse or explain a recusal remains the prerogative of each individual justice, and both decisions to recuse and explanations regarding recusal remain relatively rare.

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<sup>540</sup> See *Cheney v. United States Dist. Court*, 541 U.S. 913 (Scalia, J. mem.); *Moore v. United States*, 144 S. Ct. 2 (Sep. 8, 2023) (Statement of Alito, J.).

<sup>541</sup> See, e.g., *Brunson v. Sotomayor*, 144 S. Ct. 2597 (Mem) (2024); *Dorsey v. United States*, 144 S. Ct. 1005 (Mem) (2024); *Liquidia Techs., Inc. v. United Therapeutics Corp.*, 144 S. Ct. 873 (Mem) (2024); Letter from Scott S. Harris, Clerk, U.S. Supreme Court, to Counsel for Parties in *Seven County Infrastructure Coalition v. Eagle County, Colorado* (Dec. 4, 2024). In *Brunson*, *Dorsey*, and *Liquidia Techs., Inc.*, Justices Sotomayor, Kagan, and Jackson also cite the federal recusal statute at 28 U.S.C. §455.

## VIII. Failures of the Court and the Judicial Conference to Ensure Ethical Conduct

### A. Failures of the Roberts Court

The failures of the Roberts Court to address its self-inflicted ethics crisis fall into two broad categories: its refusal to investigate or cooperate in investigations of reported ethical misconduct by sitting justices, and its failure to take sufficient action to address its ethical crisis. In April 2023, following *ProPublica*'s reporting of questionable conduct by Justice Thomas, all 11 Democratic members of the Senate Judiciary Committee sent a letter urging Chief Justice Roberts to open an investigation.<sup>542</sup> Instead, Chief Justice Roberts referred the letter to the Secretary of the Judicial Conference of the United States, who in turn forwarded the letter to the Judicial Conference Committee on Financial Disclosure.<sup>543</sup> To date, there is no indication that Chief Justice Roberts or the Court have ever undertaken an investigation into reported misconduct by a justice. Nor have Chief Justice Roberts or the Court taken sufficient steps to prevent further misconduct.

In April 2023, Chief Justice Roberts declined Chair Durbin's invitation to testify before the Senate Judiciary Committee at a public hearing about ethical rules governing Supreme Court justices.<sup>544</sup> The Chief Justice cited "separation of powers concerns" and "the importance of preserving judicial independence" in declining the invitation. The Chief Justice also declined to designate another justice to appear, and no justice appeared at the Committee's May 2023 hearing on Supreme Court ethics, despite the fact that past chief justices have appeared before Congress in their official capacity to discuss the Court, and other justices have testified before this Committee about ethics issues.<sup>545</sup> In May 2024, Chair Durbin and Senator Whitehouse requested a meeting with Chief Justice Roberts, in his capacity as Chief Justice and presiding officer of the Judicial Conference of the United States, to discuss additional steps to address the Supreme Court's ethics crisis.<sup>546</sup> The Chief Justice declined the request, again citing "separation of powers concerns" and "the importance of preserving judicial independence."<sup>547</sup> The Roberts Court's refusal to investigate its own conduct or assist members of Congress in their

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<sup>542</sup> Letter from the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, *et al.* to the Honorable John Roberts, Chief Justice, U.S. Supreme Court (Apr. 10, 2023).

<sup>543</sup> Letter from the Honorable Roslynn R. Mauskopf, Secretary, Jud. Conf. of the U.S., to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary (Apr. 21, 2023), Appendix A, Key Document F.

<sup>544</sup> Letter from the Honorable John Roberts, Chief Justice, U.S. Supreme Court, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary (Apr. 25, 2023).

<sup>545</sup> *See generally*, BARRY J. McMILLION & JENNIFER E. MANNING, CONG. RSCH. SERV., IN12155, APPEARANCES BY SITTING U.S. SUPREME COURT JUSTICES AT CONGRESSIONAL COMMITTEE AND SUBCOMMITTEE HEARINGS (1960-2022) (May 2, 2023), <https://crsreports.congress.gov/product/pdf/IN/IN12155>; *see also* Hearing before the Committee on the Judiciary, U.S. Senate, "Considering the Role of Judges Under the Constitution of the United States," S. Hrg. 112-137 (Oct. 5, 2011), <https://www.govinfo.gov/content/pkg/CHRG-112shrg70991/html/CHRG-112shrg70991.htm>.

<sup>546</sup> Letter from the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, and the Honorable Sheldon Whitehouse, Chair, Courts Subcommittee, to the Honorable John Roberts, Chief Justice, U.S. Supreme Court (May 23, 2024), Appendix A, Key Document M.

<sup>547</sup> Letter from the Honorable John Roberts, Chief Justice, U.S. Supreme Court, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, and the Honorable Sheldon Whitehouse, Chair, Courts Subcommittee (May 30, 2024), Appendix A, Key Document O.

investigation of the Supreme Court’s ethics crisis has only augmented the crisis and hindered efforts to resolve it.

The Roberts Court’s failures extend beyond its refusal to investigate or assist with investigations. As discussed in Section III, in response to dozens of accusations of misconduct by multiple justices over multiple decades, the Court has taken insufficient steps to resolve this crisis and restore the public’s faith in the judiciary. No justice has been punished, censured, criticized, or otherwise held accountable by the Roberts Court.

The Court’s adoption of its *Code of Conduct* did not address the Court’s past failures. And, since its adoption, the *Supreme Court Code of Conduct* has failed to deter additional ethical misconduct by Supreme Court justices. Justices Alito and Thomas continued to participate in cases concerning the 2020 election and the January 6 insurrection that required their recusal. Significantly, this includes *Trump v. United States*, which effectively immunized President Trump from prosecution for much of his conduct concerning January 6 and his efforts to subvert the 2020 election. Moreover, the *Supreme Court Code of Conduct* does not include enforcement mechanisms to combat future misconduct. The *Supreme Court Code of Conduct* does not even ostensibly proscribe any behavior by justices; as Section III.B details, the provisions of the *Supreme Court Code of Conduct* repeatedly state that justices “should” act in certain ways rather than mandating how justices “shall” act, and there are no penalties for any violations of the *Supreme Court Code of Conduct*.

There is no reason for this to be the case. As Justice Kagan has noted: “I think the thing that can be criticized [about the *Supreme Court Code of Conduct*] is, you know, rules usually have enforcement mechanisms attached to them. And this one, this set of rules does not.”<sup>548</sup> Yet, to date, only three justices have publicly expressed openness to implementing an enforceable code of conduct: Justice Kagan,<sup>549</sup> Justice Ketanji Brown Jackson,<sup>550</sup> and Justice Sotomayor.<sup>551</sup> This is an essential step, in light of the failures of the Roberts Court to police itself. Any claim that the Court can adequately police itself is belied by the fact that no members of the Court have faced consequences for unethical behavior since Justice Fortas resigned from the Warren Court more than 50 years ago. The failures of the Roberts Court to prevent or address its ethical crisis necessitate additional action.

## **B. Failures of the Judicial Conference**

To date, the Judicial Conference has failed to adequately respond to the Supreme Court’s ethical crisis. Although some of the recent revisions to the *Guide to Judiciary Policy* are likely beneficial—including the March 2023 revisions of the “personal hospitality” exemption—other recent revisions are insufficient and potentially detrimental to judicial ethics. Additional changes

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<sup>548</sup> Devan Cole, *Justice Elena Kagan says Supreme Court’s code of conduct needs an enforcement plan. Takeaways from her wide-ranging comments*, CNN POLITICS (Jul. 25, 2024), <https://www.cnn.com/2024/07/25/politics/kagan-supreme-court-ethics-sacramento-conference/index.html>.

<sup>549</sup> *Id.*

<sup>550</sup> Melissa Quinn, *Justice Ketanji Brown Jackson says she’s open to enforceable ethics code for Supreme Court*, CBS NEWS (Sep. 1, 2024), <https://www.cbsnews.com/news/ketanji-brown-jackson-supreme-court-ethics-code/>.

<sup>551</sup> Kantor & VanSickle, *supra* note 23.

are necessary to strengthen financial disclosure regulations for all judicial officers, including Supreme Court justices.

Moreover, the Judicial Conference has repeatedly failed to enforce existing financial disclosure regulations or properly review financial disclosure reports of Supreme Court justices. The Judicial Conference reviews judges' and justices' financial disclosure report filings for compliance.<sup>552</sup> As this report detailed in Section V, multiple financial disclosure reports filed by Supreme Court justices were not in compliance with the Judicial Conference's regulations, yet the Judicial Conference neither acknowledged nor responded to that noncompliance.<sup>553</sup>

Most egregious was the Judicial Conference's abdication of responsibility for Justice Thomas filing several years of non-compliant financial disclosure reports. In 2011, following revelations that Justice Thomas had failed to report a source of his wife's income, Justice Thomas updated years of his financial disclosure reports.<sup>554</sup> Justice Thomas had also failed to disclose flights on Mr. Crow's private jet.<sup>555</sup> In response to complaints from lawmakers and advocacy groups, the Judicial Conference said its Committee on Financial Disclosure would look into Justice Thomas's alleged noncompliance.<sup>556</sup> However, in early 2012, the committee's chair declared that he had decided to end the inquiry regarding Justice Thomas's failure to report his income. He prevailed in a committee vote on the matter despite resistance from other committee members.<sup>557</sup> Justice Thomas's failure to report his flights was not discussed, addressed, or investigated, despite the non-applicability of the personal hospitality exemption. The episode highlights the Judicial Conference's failure to diligently examine financial disclosure reports and reticence to take any meaningful action in response to subsequent complaints or the receipt of other information.

In its report on its September 2023 proceedings, the Judicial Conference stated that "[t]he Committee [on Financial Disclosure] was also updated on the status of the ongoing review of public written allegations of errors or omissions in a filer's financial disclosure reports that were referred to it since the [Judicial] Conference's last session."<sup>558</sup> It is possible that the referenced filer is Justice Thomas, but the Judicial Conference has yet to specify the identity of the filer or provide additional information regarding its review of Justice Thomas or any other Supreme Court justice.

Under the EIGA, the Judicial Conference is required to refer to the Attorney General any individual whom it has reasonable cause to believe has willfully falsified or failed to file

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<sup>552</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, Ch. 4 (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024), <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>553</sup> Brett Murphy & Kirsten Berg, *The Judiciary Has Policed Itself for Decades. It Doesn't Work.*, PROPUBLICA (Dec. 13, 2023), <https://www.propublica.org/article/judicial-conference-scotus-federal-judges-ethics-rules>.

<sup>554</sup> Robert Barnes & Ann E. Marimow, *Complaints about Justice Thomas's disclosures sent to judicial committee*, WASH. POST (Apr. 18, 2023), <https://www.washingtonpost.com/politics/2023/04/18/clarence-thomas-disclosures-investigation-crow/>.

<sup>555</sup> McIntire, *supra* note 297.

<sup>556</sup> Murphy & Berg, *supra* note 553.

<sup>557</sup> *Id.*

<sup>558</sup> *Report of the Proceedings of the Judicial Conference of the United States* (Sep. 12, 2023) at 14, [https://www.uscourts.gov/sites/default/files/jcus\\_sep\\_2023\\_proceedings\\_0.pdf](https://www.uscourts.gov/sites/default/files/jcus_sep_2023_proceedings_0.pdf).



information required to be reported.<sup>559</sup> The Judicial Conference has yet to make such a referral for any Supreme Court justice, despite the clear evidence, detailed in Section V, that justices have willfully falsified or failed to file reportable information.

Although the Judicial Conference has the ability to hold Supreme Court justices accountable for their ethics violations, it has not taken any meaningful steps to do so. The Judicial Conference's lack of transparency and failure to act have enabled the ethical misconduct of Supreme Court justices and contributed to the Supreme Court's ethical crisis.

### **1. Shortcomings of the Judicial Conference's Review of Financial Disclosure Reports**

As noted in Section II.B.1, the EIGA requires certain federal officials, including Supreme Court justices, to file financial disclosure reports.<sup>560</sup> The EIGA further specifies that, for judicial officers, the statute is subject to the rules and regulations of, and administered by, the Judicial Conference.<sup>561</sup> The EIGA also authorizes the Judicial Conference to delegate any authority it has under the EIGA to an ethics committee established by the Judicial Conference.<sup>562</sup> In 1990, the Judicial Conference delegated its authority under the EIGA to what became the Committee on Financial Disclosure.<sup>563</sup>

Consistent with the EIGA, the Judicial Conference's *Guide to Judiciary Policy* states that the Judicial Conference is the designated agency ethics official for the judiciary and serves as the reviewing official for judiciary financial disclosure reports.<sup>564</sup> The *Guide to Judiciary Policy* further states that the Judicial Conference has delegated this responsibility to the Judicial Conference's Committee on Financial Disclosure, which has in turn delegated certain responsibilities to Committee counsel and staff. These counsel and staff constitute the reviewing officials who are responsible for examining financial disclosure reports.

Despite the important and necessary oversight of financial disclosure reports these reviewing officials perform, the current system does not adequately support their work. A December 2023 *ProPublica* article highlighted the numerous shortcomings of the Judicial Conference and its review of financial disclosure reports.<sup>565</sup> Among these shortcomings is that some staff, particularly those working on a temporary basis, lacked expertise and were not provided relevant training.<sup>566</sup>

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<sup>559</sup> 5 U.S.C. § 13106(b).

<sup>560</sup> 5 U.S.C. app., § 101, 109.

<sup>561</sup> 5 U.S.C. app., § 503.

<sup>562</sup> 5 U.S.C. app., § 111.

<sup>563</sup> *Report of the Proceedings of the Judicial Conference of the United States* (Sep. 12, 2017) at 13, [https://www.uscourts.gov/sites/default/files/17-sep\\_final\\_0.pdf](https://www.uscourts.gov/sites/default/files/17-sep_final_0.pdf).

<sup>564</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, § 410 (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024), <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>565</sup> Murphy & Berg, *supra* note 553.

<sup>566</sup> *Id.*

The *Guide to Judiciary Policy* also allows for the “administrative closure” of financial disclosure reports, rather than certification, in certain circumstances.<sup>567</sup> One listed factor for consideration of administrative closure is “the absence of evidence indicating that the filer is knowingly and willfully failing to act;” other factors include non-responsiveness, incapacity, and absence from a governmental decisionmaking position.<sup>568</sup> An administratively-closed report will not be certified or signed by a reviewing official, but the closure effectively ends the Judicial Conference’s investigation of a report. This option creates a loophole for filers and reviewing officials to avoid ensuring the accuracy of reports, as it allows for filers and reviewing officials alike to claim a lack of evidence indicating intent, and creates an offramp for filers and officials to stop examining an inaccurate report without resolving its inaccuracies.

Finally, the *Guide to Judiciary Policy* and federal law only require the AO to retain financial disclosure reports for a six-year period. This creates the possibility of ethical misconduct and attendant inaccuracies in reports being discovered more than six years after their occurrence, but without an opportunity to review the reports as evidence of any wrongdoing. Although the threat of this occurrence is reduced by the ability of requesters to request, retain, and publish financial disclosure reports—which occurs most frequently with Supreme Court justices’ reports—there is no guarantee that a report will be retained, available, or subject to review by any party beyond a six-year window.

## **2. Additional Shortcomings of the Administrative Office of the U.S. Courts**

As part of this investigation, Committee staff requested materials from the AO to review relevant ethics rules in effect from 1991 through 2024. The requested materials included past versions of financial disclosure report forms, financial disclosure reporting instructions and filing instructions, and various sections of the *Guide to Judiciary Policy*, including:

- Code of Conduct for U.S. Judges
- Code of Conduct for Judicial Employees
- Judicial Conference Regulations on Gifts
- Judicial Conference Regulations on Outside Earned Income, Honoraria, and Employment
- Judiciary Financial Disclosure Regulations
- Gifts to the Judicial Branch
- Mandatory Conflict Screening Policy

Committee staff first requested these materials in March 2024. Over the next eight months, AO staff provided some, but not all, of the requested materials. The months-long process through which the AO only partially fulfilled the Committee’s requests for information reveals challenges for the AO and Judicial Conference in adequately policing judicial ethics or assisting outside investigations. In correspondence with Committee staff, AO staff acknowledged

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<sup>567</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, § 420.50 (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024), <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>568</sup> 2 GUIDE TO JUDICIARY POLICY, pt. D, § 420.50(b) (Admin. Off. of the U.S. Cts. rev. Sep. 23, 2024), <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

that historic versions of materials related to judicial ethics are not systematically archived and categorized. The incompleteness of the materials the AO ultimately provided to the Committee further demonstrates that the AO's archiving practices render the AO incapable of locating or providing all of its own past rules and regulations pertaining to judicial ethics.

Any investigations into potential misconduct are hampered by the AO's failure to preserve documents that established the relevant rules and regulations in effect at the time of the conduct in question. Additionally, in accordance with the EIGA, the financial disclosure reports filed by the judiciary are kept for only six years and then are destroyed.<sup>569</sup> Although individuals or groups from outside the AO or judiciary may request, preserve, or publish certain documents for future reference, that possibility does not supplant the need for the AO and the Judicial Conference to review and reform their own practices and processes.

The Senate Judiciary Committee's investigation has raised concerns about the AO's ability to respond to requests originating from outside the judiciary. These concerns extend beyond the AO's cooperation over the course of the Committee's investigation. For example, from January 2022 to June 2024, the U.S. Government Accountability Office (GAO) conducted an unrelated review of the judiciary's policies and practices to prevent and respond to workplace misconduct, including sexual misconduct.<sup>570</sup> In July 2024, the GAO issued its report to congressional requesters; the report mentioned significant delays by the judiciary and extremely limited access to judiciary employees.<sup>571</sup> The GAO report illustrated the AO's reticence to cooperate or provide transparency, yet a subsequent letter from the Director of the AO attempted to justify and recharacterize the AO's decisions, actions, and delays with misleading characterizations of GAO requests.<sup>572</sup> Whether the subject at hand is judicial ethics, workplace misconduct, or another matter of public importance, the AO has failed to fully and quickly cooperate and respond to outside investigations—suggesting the AO does not prioritize transparency.

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<sup>569</sup> 5 U.S.C. app., § 105.

<sup>570</sup> U.S. Gov't Accountability Off., GAO-24-105638, Federal Judiciary: Additional Actions Would Strengthen Efforts to Prevent and Address Workplace Misconduct, 6 (July 2024).

<sup>571</sup> *Id.* at 53.

<sup>572</sup> Letter from the Honorable Robert J. Conrad, Jr., Director, Admin. Off. of the U.S. Courts, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, *et al.* (Aug. 2, 2024), Appendix A, Key Document P.

## IX. Recommendations

### A. Due to the Court's Abdication of its Ethical Responsibilities, Congress Must Establish an Enforceable Code of Conduct

#### 1. The *Supreme Court Ethics, Recusal, and Transparency Act*

Senator Whitehouse introduced the *Supreme Court Ethics, Recusal, and Transparency (SCERT) Act*, which is cosponsored by every Democratic member of the Senate Judiciary Committee.<sup>573</sup> The *SCERT Act* would require Supreme Court justices to adopt a binding code of conduct, create a mechanism to investigate alleged violations of the code of conduct and other laws, improve disclosure and transparency when a justice has a connection to a party or amicus before the Court, and require justices to explain their recusal decisions to the public.

*Code of Conduct:* The bill would require the Court to issue a code of conduct for itself within 180 days, with public notice and an opportunity for comment. It would also require the Court to establish processes under which individuals could file complaints alleging that a justice has violated the code of conduct, another federal law, or the federal recusal statute, or has otherwise engaged in conduct that undermines the integrity of the Court. Such complaints would be reviewed by randomly selected chief circuit judges, who would investigate and present findings to the Supreme Court as well as make “recommendations for necessary and appropriate action by the Supreme Court, including dismissal of the complaint, disciplinary actions, or changes to Supreme Court rules or procedures.”

*Disclosure and Transparency:* The *SCERT Act* includes several provisions to enhance disclosure requirements. Most relevant to the current ethical crisis, it would require the Court to adopt rules governing the disclosure of gifts, income, or reimbursements that require—at minimum—the same level of disclosure as is required under Senate and House standing rules. Additionally, it would require robust disclosure of persons who contributed to the preparation or submission of an amicus brief or to the amicus organization, as well as direct the Court and the Judicial Conference to prescribe rules of procedure to allow the striking of an amicus brief—or prohibiting the filing of a brief—that would result in the disqualification of a justice or judge.

*Recusal:* The bill would enable parties to proceedings to file motions seeking disqualification of any judge or justice from a proceeding along with an affidavit alleging facts showing that disqualification is required by law. The motion would be considered by a panel of reviewing judges. In the case of a Supreme Court justice, the other justices would comprise the panel. Justices and judges would also be required to recuse from cases involving parties from whom the justice, judge, or a close family member received income or a gift within the previous six years, or who lobbied or spent substantial funds in support of the justice’s or judge’s confirmation.<sup>574</sup> In

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<sup>573</sup> S. 359, <https://www.congress.gov/bill/118th-congress/senate-bill/359>.

<sup>574</sup> Sec. 4(a) of the *SCERT Act* would require judicial disqualification from cases in which a party to a proceeding made lobbying contact or spent substantial funds in support of the relevant judicial nomination. This provision is intended to prevent justices or judges from hearing cases involving parties to whom they may feel particularly indebted for their judicial appointments. The provision’s definition of the term “lobbying contact” is from the Lobbying Disclosure Act of 1995. That definition includes several exceptions to the term “lobbying contact,”

any instance requiring recusal, a justice or judge would have an affirmative duty to notify all parties to a proceeding once the justice or judge learns of a condition that could reasonably require recusal. Finally, the bill would require the relevant clerk of court to issue timely public notice of any matter in which a justice or judge is disqualified, including a specific identification of the reason that resulted in the disqualification while allowing for appropriate redactions.

On May 2, 2023, the Senate Judiciary Committee held a full committee hearing on Supreme Court ethics reform. The hearing emphasized the clear need for reform and examined proposals—including the *SCERT Act*—to establish ethical standards for justices. On July 20, 2023, the Senate Judiciary Committee ordered the *SCERT Act* to be reported by a party-line vote of 11–10, with all Judiciary Committee Democrats voting in favor of the bill. On June 12, 2024, Chair Durbin led Senate Democrats in requesting unanimous consent for the Senate to pass the *SCERT Act*. Senate Republicans objected to the unanimous consent request.

## 2. Other Proposals

During the 118th Congress, other Senators have introduced bills addressing the Supreme Court’s ethical standards.

Senator Murphy’s *Supreme Court Ethics Act* would require the Judicial Conference to issue a code of conduct that applies to all federal judges, including Supreme Court justices.<sup>575</sup> The bill would also require the Supreme Court to establish the position of an ethics investigative counsel, who would adopt rules to enforce the code of conduct. These rules would include a process for receiving complaints from the public about violations of the code of conduct by Supreme Court justices. The ethics investigative counsel would be required to investigate complaints and issue annual public reports describing complaints received and steps taken to investigate and resolve them. The bill would also require a Supreme Court justice to publicly disclose the reasons for recusing himself or herself from a proceeding, as well as a justice’s reason for denying a motion to disqualify the justice in a proceeding.

Senators King and Murkowski’s *Supreme Court Code of Conduct Act* would require the Supreme Court to issue a code of conduct for Supreme Court justices and publish it on the Court’s website.<sup>576</sup> The Court would also be required to designate an individual to process complaints that a justice has engaged in conduct prejudicial to the administration of justice or in violation of federal law or the Court’s code of conduct. The designated individual would publish the complaints. The Marshal of the Supreme Court would be permitted to initiate investigations to determine if a justice has engaged in misconduct.

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including exceptions for testimony submitted to Congressional committees and public advocacy. As a result, the *SCERT Act* would not typically require judicial disqualification from a case in which a party to the proceeding had written a public letter of support for a judicial nomination that was subsequently confirmed.

<sup>575</sup> S. 325, <https://www.congress.gov/bill/118th-congress/senate-bill/325>.

<sup>576</sup> S. 1290 <https://www.congress.gov/bill/118th-congress/senate-bill/1290>.

## **B. Reform the Judicial Conference and Improve Its Internal Operations**

Congress is responsible for some of the shortcomings of the AO and the Judicial Conference. Federal law requires the destruction of the judiciary's financial disclosure reports after a period of six years, unless needed in an ongoing investigation, and—as this report makes clear—investigations into judicial ethics may require information from beyond the most recent six-year period. The need for longer records retention is especially salient in the context of judicial ethics, as federal judges' life tenure means that judicial officers still in active service may have engaged in misconduct that merits investigation while serving on the bench decades ago. Congress should accordingly amend the EIGA to better preserve financial disclosure reports and other documents maintained by the AO, whether by extending the period for which records must be maintained or by requiring the AO to submit certain records on an annual basis.

While Congress should act to improve laws concerning judicial ethics and administration, the AO and the Judicial Conference are also responsible for organizational shortcomings. The Judicial Conference and the AO should evaluate if the allocation of additional resources—or reallocation of the Judicial Conference's existing resources—could help improve the quality of financial disclosure report review, including by allowing for the hiring of additional qualified staff to review reports and answer filers' questions.

However, the hiring of additional staff alone is unlikely to resolve several larger issues with the Judicial Conference and its review of financial disclosure reports. To date, the Judicial Conference has failed to regulate or administer itself as much as it has failed to adequately review financial disclosure reports. The *Guide to Judiciary Policy* requires revisions to improve its review processes and standards and ensure that filers' reports are accurate. These revisions could be made by the Judicial Conference itself. The Judicial Conference could also request outside input and incorporate recommendations regarding best policies.

Although the Judicial Conference's written policies and dearth of staff enfeeble its effective fulfillment of its responsibilities, a greater obstacle is its apparent resistance to meaningfully changing its practices and culture. The EIGA tasks the Judicial Conference with administering financial disclosure rules for judicial officers, and effectively carrying out this responsibility is essential to ensuring oversight and accountability for the judiciary. Yet the Judicial Conference regularly obfuscates, excuses, and enables ethical misconduct within the judiciary. Despite the judiciary's insistence that it can police itself, it has failed to do so for decades. True reform and ethics accountability require the Judicial Conference to fundamentally transform its practices, processes, conception of itself, and performance of its role.

Several judicial ethics bills introduced in the Senate include various roles and requirements for the Judicial Conference within the legislation's framework. However, none of the proposed legislation reforms the Judicial Conference or addresses the Judicial Conference's shortcomings. Congress created the Judicial Conference and its membership.<sup>577</sup> Congress can accordingly pass additional legislation to improve the Judicial Conference and its operation. Such legislation could require additional transparency or reporting requirements for the Judicial Conference or mandate the inclusion of parties from outside the judiciary—including ethics

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<sup>577</sup> 28 U.S.C. § 331.

lawyers or ethics experts—in the membership of the Judicial Conference or its committees and subcommittees. Congress could also amend the EIGA to create a separate entity to review judiciary financial disclosure reports, or even require a new or different body than the Judicial Conference to administer the financial disclosure requirements for judicial officers and employees. Ultimately, the full scope and necessity of congressional action is likely to depend on any action or inaction by the Judicial Conference itself.

### **C. Further Investigative Steps Needed**

To date, none of the justices have been directly questioned about their alleged misconduct. Unlike the baseless arguments made by the private citizens who resisted this investigation,<sup>578</sup> inquiries of the justices do raise separation of powers concerns that the Committee has taken into account in its approach to this investigation. Namely, this Committee first sought information from “other sources,” rather than directly from the officers of a co-equal branch of government and their personal papers, as the Supreme Court has directed, because these sources “could reasonably provide Congress the information it needs in light of its particular legislative objective” of Supreme Court ethics reform.<sup>579</sup> This preliminary step is not yet complete because several recipients of valid requests from this Committee have not yet sufficiently responded, including Mr. Leo, who is currently in noncompliance with a valid congressional subpoena. This information remains necessary for the Committee’s legislative efforts because, while the case for legislative action to mandate an enforceable code of conduct on the justices is clear, what remains unclear is what additional legislative efforts are necessary to restore the integrity of the Court.

The answers to some of these questions can only be answered by the Court itself and may require Congress to seek the testimony of Chief Justice Roberts or others about the Court’s ineptitude in maintaining the appearance of propriety. Whether it is the repeated failures of justices to recuse themselves from cases in which they have clear financial, familial, or other prohibited interests; inappropriate policy commentary suggesting bias; or nondisclosure of lavish gifts from those with interests before the Court, the justices have allowed ethical misconduct to persist for decades. Further investigation—ideally with the cooperation of the justices—is needed to understand how the justices allowed this to happen and how to effectively address these failures going forward.

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<sup>578</sup> Many of the private citizens who received a request for information from the Committee in this investigation claimed that they, as private citizens with no role in government, could invoke the “separation of powers doctrine,” which is an equity between co-equal branches of government. *See, e.g.*, Letter from Michael D. Bopp, Gibson, Dunn & Crutcher LLP, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary, on behalf of Harlan Crow, HRZNAR LLC, Rochelle Marine LTD, & Topridge Holdings LLC (May 22, 2023); Letter from David B. Rivkin, Baker Hostetler LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of Leonard Leo (Jul. 25, 2023); Letter from Matthew Schneider, Honigman LLP, to the Honorable Richard J. Durbin, Chair, and Sheldon Whitehouse, Courts Subcommittee Chair, Senate Committee on the Judiciary, on behalf of David Sokol (Sep. 27, 2023).

<sup>579</sup> *Trump v. Mazars USA, LLP*, 591 U.S. 848, 869–870 (2020).

# Appendix A



# Key Document A

PATRICK J. LEAHY, VERMONT, CHAIRMAN

HERB KOHL, WISCONSIN  
DIANNE FEINSTEIN, CALIFORNIA  
CHARLES E. SCHUMER, NEW YORK  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
AL FRANKEN, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT

CHARLES E. GRASSLEY, IOWA  
ORRIN G. HATCH, UTAH  
JON KYL, ARIZONA  
JEFF SESSIONS, ALABAMA  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TOM COBURN, OKLAHOMA

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
KOLAN L. DAVIS, *Republican Chief Counsel and Staff Director*

February 13, 2012

The Honorable John Roberts  
Chief Justice of the United States  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Dear Chief Justice Roberts:

We write to follow up on your discussion of ethics issues and the Supreme Court in the 2011 Year-End Report on the Federal Judiciary (hereinafter Year-End Report). We appreciate your effort to provide greater clarity about the Supreme Court's adherence to financial regulations and the Judicial Conference's Code of Conduct for United States Judges (hereinafter Code of Conduct).

Last fall, the Judiciary Committee held an important hearing entitled "Considering the Role of Judges Under the United States Constitution." We were honored to have Justices Scalia and Breyer participate in a lively and educational conversation. Senator Durbin posed several questions concerning financial and ethics restrictions. The response was similar to your clarification in the Year-End Report which implies that Justices of the Supreme Court do follow the Code of Conduct which binds lower court judges. We write today to request greater transparency about the internal resolutions the Court has adopted to address ethical issues.

On page six of the Year-End Report, you noted that the Members of the Court adopted "an internal resolution" in 1991 which stated that they agreed to follow the Judicial Conference's regulations on gifts and outside income, honoraria, and employment, which apply to other federal judges. Thank you for providing us with a copy of the resolution. We request that the Court make this internal resolution cited in the Year-End Report public, just as it did with its Statement of Recusal Policy in 1993. If there are any other Court resolutions of this nature, we suggest they be released as well.

As you noted in your Year-End Report, there have been a number of calls recently to make the Code of Conduct binding on the Court. You indicated that "the Code remains the starting point and a key source of guidance for the Justices as well as their lower court colleagues." As you point out, since the Code may not answer all ethics considerations, the Court, like all other federal judges, may also consult judicial opinions, treatises, scholarly articles, and disciplinary decisions. Since the Court already appears to follow the Code in practice, why not adopt a resolution, similar to the 1991 resolution, stating that Members of the Court abide by the Code of Conduct?

Because we have a high regard for the Supreme Court and its Members, we emphasize that we do not intend to question or impugn the ethics of any individual Justice or the Court itself by making these requests. We have worked for many years to increase openness and transparency in government, and we hope to increase public trust and confidence in all of our institutions, including the Supreme Court. We firmly believe that full disclosure of the Court's rules and its processes can only lead to greater confidence in the Court, and we look forward to working with you and the other Members of the Court to achieve this goal.

Sincerely,



RICHARD J. DURBIN  
United States Senator



PATRICK LEAHY  
Chairman



SHELDON WHITEHOUSE  
United States Senator



AL FRANKEN  
United States Senator



RICHARD BLUMENTHAL  
United States Senator

# Key Document B

**Supreme Court of the United States**  
**Office of the Clerk**  
**Washington, DC 20543-0001**

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

October 15, 2015

Mr. Carter G. Phillips  
Sidley Austin LLP  
1501 K Street, N.W.  
Washington, DC 20005

Re: Federal Energy Regulatory Commission  
v. Electric Power Supply Association, et al.  
No. 14-840, et al.

Dear Mr. Phillips:

I am writing to inform the parties that Justice Breyer has learned that EnergyConnect, Inc., a party in FERC v. Electric Power Supply Ass'n, No. 14-840, is owned by Johnson Controls, Inc., and that Mrs. Breyer owned 750 Johnson Controls, Inc. shares (which she has now sold). The ordinary conflict-check conducted in Justice Breyer's Chambers inadvertently failed to find this potential conflict.

The canons of ethics provide that "if a judge . . . would be disqualified because of a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the judge (or the judge's spouse or minor child) divests the interest that provides the grounds for the disqualification." Code of Conduct for U. S. Judges, Canon 3C(4). Justice Breyer's wife sold all of her shares in Johnson Controls, Inc. on October 15, 2015.

Justice Breyer has devoted substantial judicial time to this case. See Comm. on Codes of Conduct, Advisory Op. No. 69 (June 2009) ("The Committee believes that this provision [Canon 3C(4)] applies to cases in which a judge has already expended a substantial amount of time."); 28 U. S. C. §455(f). He has no reason to believe that the financial interest could be substantially affected by the outcome of the case.

Justice Breyer has consequently concluded that he should continue to participate in this case.

Sincerely,

Scott S. Harris  
Clerk of the Court

# Key Document C



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF  
Director

WASHINGTON, D.C. 20544

March 23, 2023

Honorable Sheldon Whitehouse  
Chair  
Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letter dated February 21, 2023, and to provide an update on the actions taken by the Judicial Conference of the United States Committee on Financial Disclosure to clarify its regulations on “personal hospitality.” The Committee’s revisions to its regulations went into effect on March 14, 2023.

As noted in my April 29, 2022 letter to you, I asked the Committee on Financial Disclosure to provide guidance on “whether ‘personal hospitality’ may encompass hospitality extended at a commercial property such as a resort” and whether hospitality for which a “third party reimburses the host for the costs” would fall outside the scope of the reporting exemption. Over the past several months, the Committee has considered this matter. The Committee addressed these questions most recently at its meeting in January 2023 and revised the guidance, which clarifies that “the reporting exemption does not include . . . gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or gifts extended at a commercial property, *e.g.*, a resort or restaurant . . . .”

The following definition of “personal hospitality of any individual” now appears in the Judicial Conference regulations:

Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.

**Notes:**

- (1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:
  - gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;
  - gifts extended for a business purpose;
  - gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family;
  - gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or
  - gifts extended at a commercial property, e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose.
- (2) A judicial officer or employee is not permitted to solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judge's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference's regulations. See: [5 U.S.C. § 7353](#); [Guide, Vol. 2C, Ch.6](#).

*Guide to Judiciary Policy*, Vol. 2D, Ch. 1, § 170.

In your February 21, 2023, letter, you urged the Committee on Financial Disclosure to clarify that the “‘personal’ nature of ‘personal hospitality’ is not determined by the invitation being delivered personally, but by the personal nature of the judge’s relationship with the host.” The Committee’s guidance makes this clear.

In addition, you asked for copies of “unpublished opinions that may be relevant to these questions about the personal hospitality exemption.” The Committee on Codes of Conduct does not have jurisdiction to issue public or private advisory opinions interpreting the “personal hospitality” exemption in the Ethics in Government Act. Rather, its jurisdiction is limited to issuing advisory opinions regarding the codes of conduct that have been adopted by the Judicial Conference, Titles III (relating to gifts to federal employees) and VI (relating to limitations on outside earned income, honoraria, and outside employment) of the Ethics Reform Act of 1989,



and the regulations promulgated by the Judicial Conference under those titles of the Ethics Reform Act. All relevant ethics guidance is already incorporated into the Committee's large body of published advisory opinions, *see* [Published Advisory Opinions | United States Courts \(uscourts.gov\)](#). This is consistent with the Committee's jurisdiction to publish advisory opinions on issues of broad application that reflect the Committee's confidential advice. Furthermore, the Judicial Conference Regulations on Gifts explicitly provide that "Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts." *Guide to Judiciary Policy*, Vol. 2C, Ch. 6, § 620.50.

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through the Office of Legislative Affairs at 202-502-1700.

Sincerely,

A handwritten signature in black ink, reading "Roslynn R. Mauskopf". The signature is written in a cursive, flowing style.

Roslynn R. Mauskopf  
Director

cc: Honorable John Kennedy  
Honorable Henry C. "Hank" Johnson, Jr  
Honorable Darrell Issa

# Key Document D

April 10, 2023

The Honorable John G. Roberts, Jr.  
Chief Justice  
Supreme Court of the United States  
1 First Street NE  
Washington, DC 20543

Dear Chief Justice Roberts:

We write regarding the April 6, 2023 report by *ProPublica* entitled “Clarence Thomas and the Billionaire.”<sup>1</sup> The report describes conduct by a sitting Justice that he did not disclose to the public and that is plainly inconsistent with the ethical standards the American people expect of any person in a position of public trust.

The Senate Judiciary Committee, which has legislative jurisdiction over Federal courts and judges, has a role to play in ensuring that the nation’s highest court does not have the federal judiciary’s lowest ethical standards. You have a role to play as well, both in investigating how such conduct could take place at the Court under your watch, and in ensuring that such conduct does not happen again. We urge you to immediately open such an investigation and take all needed action to prevent further misconduct.

This is not the first time that members of this Committee have written you regarding concerns over the Supreme Court’s ethical standards. Eleven years ago, several members of the Committee, including the current Chair, sent you the attached letter urging the Court to adopt a resolution stating that the Justices of the Court abide by the Judicial Conference’s Code of Conduct for United States Judges—a Code that binds every other judge in the federal judiciary. You responded that the Court “does not plan to adopt the Code of Conduct for United States Judges through a formal resolution,”<sup>2</sup> and referenced your 2011 Year-End Report, in which you said “the Court has had no reason to adopt the Code of Conduct as its definitive source of ethical guidance.”<sup>3</sup> We submit that the Court has compelling reasons to do so, and urge prompt adoption of the Code of Conduct. While last month’s revision to the Judicial Conference’s guidance on judicial financial disclosures was a modest step in the right direction, further action is needed.

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<sup>1</sup> Kaplan, et al, *Clarence Thomas and the Billionaire*, PROPUBLICA (Apr. 6, 2023), available at <https://www.propublica.org/article/clarence-thomas-sotus-undisclosed-luxury-travel-gifts-crow>.

<sup>2</sup> Robert Barnes, *Chief Justice Roberts Rejects Request for Code of Conduct*, THE WASHINGTON POST (Feb. 21, 2012), [https://www.washingtonpost.com/politics/chief-justice-roberts-rejects-request-for-code-of-conduct/2012/02/21/gIQAiaWR\\_story.html](https://www.washingtonpost.com/politics/chief-justice-roberts-rejects-request-for-code-of-conduct/2012/02/21/gIQAiaWR_story.html).

<sup>3</sup> 2011 Year-End Report on the Federal Judiciary, available at <https://www.supremecourt.gov/publicinfo/year-end/2011year-endreport.pdf> at p. 5.

Notably, on October 5, 2011, Justices Antonin Scalia and Stephen Breyer testified before the Judiciary Committee and engaged in a discussion with Committee members about the Court's ethical standards.<sup>4</sup> In its reporting on that hearing, the *New York Times* noted that "[t]he ethical conduct of the Supreme Court has been under growing scrutiny" and that "[q]uestions have been raised over Justice Clarence Thomas's appearances before Republican-backed groups and his acceptance of favors from a contributor in Texas, Harlan Crow" (emphasis added).<sup>5</sup>

It is troubling that your 2011 year-end report, which dismissed the call for the Justices to adopt the Code of Conduct, was written notwithstanding the known concerns about Mr. Crow's largesse. This problem could have been resolved then. Instead, according to *ProPublica's* reporting, Mr. Crow's dispensation of favors escalated in secret during the years that followed. Now the Court faces a crisis of public confidence in its ethical standards that must be addressed.

In the coming days, the Senate Judiciary Committee will hold a hearing regarding the need to restore confidence in the Supreme Court's ethical standards. And if the Court does not resolve this issue on its own, the Committee will consider legislation to resolve it. But you do not need to wait for Congress to act to undertake your own investigation into the reported conduct and to ensure that it cannot happen again. We urge you to do so.

Thank you for your attention to this matter of critical importance.

Sincerely,



Richard J. Durbin  
Chair



Dianne Feinstein  
United States Senator



Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator

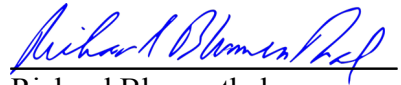
<sup>4</sup> Hearing before the Committee on the Judiciary, United States Senate, "Considering the Role of Judges Under the Constitution of the United States," S. Hrg. 112-137 (Oct. 5, 2011), available at <https://www.govinfo.gov/content/pkg/CHRG-112shrg70991/html/CHRG-112shrg70991.htm>

<sup>5</sup> Emmarie Huetteman, *Breyer and Scalia Testify at Senate Judiciary Hearing*, THE NEW YORK TIMES (Oct. 5, 2011) available at <https://www.nytimes.com/2011/10/06/us/politics/breyer-and-scalia-testify-at-senate-hearing.html>.



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Christopher A. Coons  
United States Senator



---

Richard Blumenthal  
United States Senator



---

Mazie K. Hirono  
United States Senator




---

Cory A. Booker  
United States Senator



---

Alex Padilla  
United States Senator



---

Jon Ossoff  
United States Senator



---

Peter Welch  
United States Senator

PATRICK J. LEAHY, VERMONT, CHAIRMAN

HERB KOHL, WISCONSIN  
DIANNE FEINSTEIN, CALIFORNIA  
CHARLES E. SCHUMER, NEW YORK  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
AL FRANKEN, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
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CHARLES E. GRASSLEY, IOWA  
ORRIN G. HATCH, UTAH  
JON KYL, ARIZONA  
JEFF SESSIONS, ALABAMA  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TOM COBURN, OKLAHOMA

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
KOLAN L. DAVIS, *Republican Chief Counsel and Staff Director*

February 13, 2012

The Honorable John Roberts  
Chief Justice of the United States  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Dear Chief Justice Roberts:

We write to follow up on your discussion of ethics issues and the Supreme Court in the 2011 Year-End Report on the Federal Judiciary (hereinafter Year-End Report). We appreciate your effort to provide greater clarity about the Supreme Court's adherence to financial regulations and the Judicial Conference's Code of Conduct for United States Judges (hereinafter Code of Conduct).

Last fall, the Judiciary Committee held an important hearing entitled "Considering the Role of Judges Under the United States Constitution." We were honored to have Justices Scalia and Breyer participate in a lively and educational conversation. Senator Durbin posed several questions concerning financial and ethics restrictions. The response was similar to your clarification in the Year-End Report which implies that Justices of the Supreme Court do follow the Code of Conduct which binds lower court judges. We write today to request greater transparency about the internal resolutions the Court has adopted to address ethical issues.

On page six of the Year-End Report, you noted that the Members of the Court adopted "an internal resolution" in 1991 which stated that they agreed to follow the Judicial Conference's regulations on gifts and outside income, honoraria, and employment, which apply to other federal judges. Thank you for providing us with a copy of the resolution. We request that the Court make this internal resolution cited in the Year-End Report public, just as it did with its Statement of Recusal Policy in 1993. If there are any other Court resolutions of this nature, we suggest they be released as well.

As you noted in your Year-End Report, there have been a number of calls recently to make the Code of Conduct binding on the Court. You indicated that "the Code remains the starting point and a key source of guidance for the Justices as well as their lower court colleagues." As you point out, since the Code may not answer all ethics considerations, the Court, like all other federal judges, may also consult judicial opinions, treatises, scholarly articles, and disciplinary decisions. Since the Court already appears to follow the Code in practice, why not adopt a resolution, similar to the 1991 resolution, stating that Members of the Court abide by the Code of Conduct?

Because we have a high regard for the Supreme Court and its Members, we emphasize that we do not intend to question or impugn the ethics of any individual Justice or the Court itself by making these requests. We have worked for many years to increase openness and transparency in government, and we hope to increase public trust and confidence in all of our institutions, including the Supreme Court. We firmly believe that full disclosure of the Court's rules and its processes can only lead to greater confidence in the Court, and we look forward to working with you and the other Members of the Court to achieve this goal.

Sincerely,



RICHARD J. DURBIN  
United States Senator



PATRICK LEAHY  
Chairman



SHELDON WHITEHOUSE  
United States Senator



AL FRANKEN  
United States Senator



RICHARD BLUMENTHAL  
United States Senator

# Key Document E



RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 20, 2023

The Honorable John G. Roberts, Jr.  
Chief Justice  
Supreme Court of the United States  
1 First Street NE  
Washington, D.C. 20543

Dear Chief Justice Roberts:

I invite you, or another Justice whom you designate, to appear before the Senate Judiciary Committee on May 2, 2023, at 10:00 a.m. in room 216 of the Hart Senate Office Building to testify at a public hearing regarding the ethical rules that govern the Justices of the Supreme Court and potential reforms to those rules. In extending this invitation, I offer that the scope of your testimony can be limited to these subjects, and that you would not be expected to answer questions from Senators regarding any other matters.

Your last significant discussion of how Supreme Court Justices address ethical issues was presented in your *2011 Year-End Report on the Federal Judiciary*. Since then, there has been a steady stream of revelations regarding Justices falling short of the ethical standards expected of other federal judges and, indeed, of public servants generally. These problems were already apparent back in 2011, and the Court's decade-long failure to address them has contributed to a crisis of public confidence. The status quo is no longer tenable.

There is ample precedent for sitting Justices of the Supreme Court to testify before Congress, including regarding ethics. The Senate Judiciary Committee most recently heard testimony from sitting Justices on October 5, 2011, and that hearing included robust exchanges about the Court's approach to ethics matters. The opportunity for the American people to hear from Justices in this setting presents a moment that could strengthen faith in our public institutions.

The time has come for a new public conversation on ways to restore confidence in the Court's ethical standards. I invite you to join it, and I look forward to your response.

Sincerely,



Richard J. Durbin  
Chair

cc: Lindsey Graham, Ranking Member

# Key Document F



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

HONORABLE ROSLYNN R. MAUSKOPF  
*Secretary*

April 21, 2023

Honorable Richard J. Durbin  
Chair  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I write in response to the letter of April 10, 2023, from you and other members of the Senate Judiciary Committee to the Chief Justice of the United States, which has been referred to me in my capacity as Secretary of the Judicial Conference of the United States. I have forwarded your letter to the Judicial Conference Committee on Financial Disclosure, which is responsible for implementing the disclosure provisions of the Ethics in Government Act and addressing allegations of errors or omissions in the filing of financial disclosure reports.

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through our Office of Legislative Affairs, Administrative Office of the United States Courts, at 202-502-1700.

Sincerely,

A handwritten signature in black ink that reads "Roslynn R. Mauskopf".

Roslynn R. Mauskopf  
Secretary

cc: Honorable Dianne Feinstein  
Honorable Amy Klobuchar  
Honorable Richard Blumenthal  
Honorable Cory A. Booker  
Honorable Jon Ossoff

Honorable Sheldon Whitehouse  
Honorable Christopher A. Coons  
Honorable Mazie Hirono  
Honorable Alex Padilla  
Honorable Peter Welch  
Honorable Lindsey O. Graham

# Key Document G

**United States Senate**  
WASHINGTON, DC 20510

April 21, 2023

The Honorable Roslynn R. Mauskopf  
Director, Administrative Office of the United States Courts  
Secretary, Judicial Conference of the United States  
One Columbus Circle, NE  
Washington, D.C. 20544

Dear Judge Mauskopf:

Thank you for your prompt and courteous replies to my letters dated April 10, 2023, and April 14, 2023.

In your reply to my letter dated April 10, 2023, you confirmed that the Judicial Conference's Committee on Financial Disclosure is charged with providing official answers and advice to members of the federal judiciary regarding their financial disclosure obligations under the Ethics in Government Act of 1978.<sup>1</sup> You declined to disclose whether Justice Thomas used this resource in seeking, as he stated, "guidance from [his] colleagues and others in the judiciary."<sup>2</sup>

In your reply to my letter with Ranking Member Johnson dated April 14, 2023, in your capacity as the Secretary of the Judicial Conference, you informed us that the question of referral to the Attorney General of Justice Thomas's disclosure failures under the Ethics in Government Act had been referred to the Committee on Financial Disclosure.<sup>3</sup> Given that the law states that the Judicial Conference "shall" make this referral if it has a "reasonable cause to believe" that an officer "has willfully failed to file information required to be reported,"<sup>4</sup> I hope that the Committee acts with due dispatch in deliberating and reporting its findings to the Judicial Conference.

In the interval, may I ask whether formal reports from this Committee (and other standing committees) to the Judicial Conference on particular matters such as these, once reported back to the Conference, are available to the public or to Congress via electronic search or upon request?

May I further inquire whether there has ever been a referral to the Attorney General by the Judicial Conference under 5 U.S.C. § 13106(b), either as to a justice of the Supreme Court or as to any other member of the federal judiciary?

---

<sup>1</sup> Letter from Hon. Roslynn R. Mauskopf, Dir., Admin. Office of U.S. Courts, to Sen. Sheldon Whitehouse (Apr. 18, 2023).

<sup>2</sup> Joshua Kaplan, Justin Elliott, & Alex Mierjeski, *Clarence Thomas Defends Undisclosed "Family Trips" With GOP Megadonor. Here Are the Facts.*, ProPublica (Apr. 7, 2023), <https://www.propublica.org/article/clarence-thomas-response-trips-legal-experts-harlan-crow>.

<sup>3</sup> Letter from Hon. Roslynn R. Mauskopf, Sec'y, Jud. Conf. of U.S., to Sen. Sheldon Whitehouse (Apr. 18, 2023).

<sup>4</sup> 5 U.S.C. § 13106(b).

Finally, please provide any existing guidelines governing the Judicial Conference's procedures for the consideration of possible violations of the Ethics in Government Act and referrals to the Attorney General under that statute. Please include any guidelines governing the process by which: the Judicial Conference refers such matters to the Committee on Financial Disclosure, the Committee convenes to deliberate (including when such deliberation occurs), the reporting out of the Committee's findings and recommendations to the Judicial Conference, and any deliberation by the full Judicial Conference before deciding on the resolution of these matters.

Thank you for your courteous attention to these various matters.

Sincerely,



SHELDON WHITEHOUSE  
Chairman, Senate Judiciary Subcommittee on  
Federal Courts, Oversight, Agency Action,  
and Federal Rights

cc: Hon. Henry C. "Hank" Johnson, Jr.

# Key Document H

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

April 25, 2023

Honorable Richard J. Durbin  
Chair  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter of April 20, 2023, inviting me to appear at a Senate Judiciary Committee hearing on May 2. I must respectfully decline your invitation.

Testimony before the Senate Judiciary Committee by the Chief Justice of the United States is exceedingly rare, as one might expect in light of separation of powers concerns and the importance of preserving judicial independence. The Supreme Court Library compilation of “Justices Testifying Before Congress in Matters Other Than Appropriations or Nominations” has identified only two prior instances – Chief Justice Taft in 1921 and Chief Justice Hughes in 1935. Both hearings involved routine matters of judicial administration relating to additional judgeships in the lower courts and jurisdiction over appeals from lower court injunctions. My predecessor, Chief Justice Rehnquist, appeared before House committees twice, also on mundane topics. In his first appearance, in 1989, before the House Committee on Post Office and Civil Service, he offered views on improvements to the federal civil service system. In 2004, he discussed the John Marshall Commemorative Coin Act at a hearing of the House Financial Services Committee. Neither Chief Justice Burger nor Chief Justice Warren nor Chief Justice Vinson ever appeared before a Congressional committee, though Chief Justice Warren did submit a prepared statement on federal employee salary increases to the Senate Post Office and Civil Service Committee in 1964. Congressional testimony from the head of the Executive Branch is likewise infrequent. According to the United States Senate website, no President has ever testified before the Senate Judiciary Committee, and only three Presidents (in 1862, 1919, and 1974) have testified before any Congressional committee.

In regard to the Court’s approach to ethics matters, I attach a Statement of Ethics Principles and Practices to which all of the current Members of the Supreme Court subscribe.

Respectfully,

A handwritten signature in black ink, appearing to read "Lindsey Graham", written in a cursive style.

Senator Lindsey Graham, Ranking Member



## Statement on Ethics Principles and Practices

The undersigned Justices today reaffirm and restate foundational ethics principles and practices to which they subscribe in carrying out their responsibilities as Members of the Supreme Court of the United States. This statement aims to provide new clarity to the bar and to the public on how the Justices address certain recurring issues, and also seeks to dispel some common misconceptions.

The Justices, like other federal judges, consult a wide variety of authorities to address specific ethical issues. They may turn to judicial opinions, treatises, scholarly articles, disciplinary decisions, and the historical practice of the Court and the federal judiciary. They may also seek advice from the Court's Legal Office and from their colleagues.

In 1922, Congress instituted the Judicial Conference of the United States as an instrument to manage the lower federal courts. The Judicial Conference, which binds lower courts, does not supervise the Supreme Court. Nevertheless, for a century, the Conference has contributed to the development of a body of ethical rules and practices—including through the lower court Code of Conduct—which are of significant importance to the Justices.

As the Commentary to Canon 1 of the lower court code states, its provisions are “designed to provide guidance to judges and nominees for judicial office.” Many of its aspirational provisions “are necessarily cast in general terms, and judges may reasonably differ in their interpretation.” The canons themselves are broadly worded principles that inform ethical conduct and practices. But they are not themselves rules. They are far too general to be used in that manner. Still, the canons and the Judicial Conference's Code of Conduct as a whole provide guidance to the federal judiciary.

In 1991, Members of the Court voluntarily adopted a resolution to follow the substance of the Judicial Conference Regulations. Since then Justices have followed the financial disclosure requirements and limitations on gifts, outside earned income, outside employment, and honoraria. They file the same annual financial disclosure reports as other federal judges. Those reports disclose, among other things, the Justices' non-governmental income, investments, gifts, and reimbursements from third parties. For purposes of sound administration, the Justices, like lower court judges, file those reports through the Judicial Conference's Committee on Financial Disclosure. That Committee reviews the information contained in these reports and either finds them to be in compliance with applicable laws and regulations or sends a letter of inquiry if additional information is needed to make that determination. More generally, the Committee provides guidance on the sometimes complex reporting requirements. Just last month, for example, it provided clarification on the scope of the “personal hospitality” exemption to the disclosure rules. Allegations of errors or omissions in the filing of financial disclosure reports are referred by the Secretary of the Judicial Conference to the Committee on Financial Disclosure. The Committee may send the filer a letter of inquiry, providing an opportunity for the filer to respond as appropriate.

In regard to the financial disclosure requirements relating to teaching and outside earned income, the Justices may not accept compensation for an appearance or a speech, but may be paid for “teaching a course of study at an accredited educational institution or participating in an educational program of any duration that is sponsored by such an institution and is part of its educational offering.” Outside Earned Income Regs. § 1020.35(b). As the Commentary to Canon 4 of the lower court code observes, “As a judicial officer and a person specially learned in the law,

1 a judge is in a unique position to contribute to the law, the legal system, and the administration of  
2 justice,” including through teaching. Associate Justices must receive prior approval from the Chief  
3 Justice to receive compensation for teaching; the Chief Justice must receive prior approval from  
4 the Court. *See* Resolution ¶ 3 (Jan. 18, 1991). Justices may not have outside earned income—  
5 including income from teaching—in excess of an annual cap established by statute and regulation.  
6 In calendar year 2023, that cap works out to less than 12 percent of a Justice’s pay. Compensation  
7 for writing a book is not subject to the cap.

8 Like lower court judges, Justices also engage in extrajudicial activities other than teaching,  
9 including speaking, writing, and lecturing on both law-related and non-legal subjects. In fact, the  
10 lower court canons encourage public engagement by judicial officers to avoid isolation from the  
11 society in which they live and to contribute to the public’s understanding of the law. But in  
12 deciding whether to speak before any group, a Justice should consider whether doing so would  
13 create an appearance of impropriety in the minds of reasonable members of the public. There is  
14 an appearance of impropriety when an unbiased and reasonable person who is aware of all relevant  
15 facts would doubt that the Justice could fairly discharge his or her duties. Except in unusual  
16 circumstances, no such appearance will be created when a Justice speaks before a group associated  
17 with an educational institution, a bar group, or a nonprofit group that does not regularly engage in  
18 advocacy or lobbying about issues that may be implicated in cases that come before the Court.

19 In regard to recusal, the Justices follow the same general principles and statutory standards  
20 as other federal judges, but the application of those principles can differ due to the unique  
21 institutional setting of the Court. In some instances the Justices’ recusal standards are more  
22 restrictive than those in the lower court Code or the statute—for example, concluding that recusal  
23 is appropriate where family members served as lead counsel below. A recusal consideration  
24 uniquely present for Justices is the impairment of a full court in the event that one or more members  
25 withdraws from a case. Lower courts can freely substitute one district or circuit judge for another.  
26 The Supreme Court consists of nine Members who always sit together. Thus, Justices have a duty  
27 to sit that precludes withdrawal from a case as a matter of convenience or simply to avoid  
28 controversy. *See United States v. Will*, 449 U.S. 200, 217 (1980) (28 U.S.C. § 455 does not alter  
29 the rule of necessity); ABA, Model Code of Judicial Conduct § 2.11 cmt. (“The rule of necessity  
30 may override the rule of disqualification.”). Individual Justices, rather than the Court, decide  
31 recusal issues. If the full Court or any subset of the Court were to review the recusal decisions of  
32 individual Justices, it would create an undesirable situation in which the Court could affect the  
33 outcome of a case by selecting who among its Members may participate.

34 Recusals are noted in the Court’s decisions, both at the certiorari and merits stages. In  
35 recent years, there have been approximately 200 recusals per year at the certiorari stage and a few  
36 at the merits stage as well. In many instances, the grounds for recusal will be obvious—for  
37 example, when recusal is due to a Justice’s prior employment as a circuit judge or in the Office of  
38 the Solicitor General. In some cases, public disclosure of the basis for recusal would be ill-advised.  
39 Examples include circumstances that might encourage strategic behavior by lawyers who may seek  
40 to prompt recusals in future cases. Where these concerns are not present, a Justice may provide a  
41 summary explanation of a recusal decision, *e.g.*, “Justice X took no part in the consideration or  
42 decision of this petition. *See* Code of Conduct, Canon 3C(1)(c) (financial interest)” or “Justice Y  
43 took no part in the consideration or decision of this petition. *See* Code of Conduct, Canon 3C(1)(e)  
44 (prior government employment)”. A Justice also may provide an extended explanation for any

1 decision to recuse or not recuse. *See, e.g., Microsoft Corp. v. United States*, 530 U.S. 1301 (2000)  
2 (Rehnquist, C.J.).

3 A word is necessary concerning security. Judges at all levels face increased threats to  
4 personal safety. These threats are magnified with respect to Members of the Supreme Court, given  
5 the higher profile of the matters they address. Recent episodes confirm that such dangers are not  
6 merely hypothetical. Security issues are addressed by the Supreme Court Police, United States  
7 Marshals, state and local law enforcement, and other authorities. Matters considered here  
8 concerning issues such as travel, accommodations, and disclosure may at times have to take into  
9 account security guidance.

John G. Roberts, Jr.

Clarence Thomas

Samuel A. Alito, Jr.

Sonia Sotomayor

Elena Kagan

Neil M. Gorsuch

Brett M. Kavanaugh

Amy Coney Barrett

Ketanji Brown Jackson

## Appendix – List of Judicial Ethics Authorities

- Ethics in Government Act. The Ethics in Government Act (EIGA) requires “judicial officers” to file financial disclosure reports listing outside positions, agreements, non-investment income, reimbursements, gifts, liabilities, and investments. *See* 5 U.S.C. § 13103(d), (f)(11). “Judicial officer” means “the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals [and] United States district courts.” 5 U.S.C. § 13101(10). The Judicial Conference administers the statute in the case of judicial officers, and has delegated that authority to the Committee on Financial Disclosure. *See* 5 U.S.C. § 13102(a)(3); Guide to Judiciary Policy, Vol. 2D § 120. The Courthouse Ethics and Transparency Act, Pub. L. 117-125, 136 Stat. 1205 (May 13, 2022), requires judicial officers to file periodic transaction reports reflecting transactions in stocks, bonds, commodities futures, and other forms of securities, in addition to annual financial disclosures, and that the Administrative Office of the U.S. Courts make such reports publicly available. The EIGA also places limits on outside earned income, honoraria and employment. *See* 5 U.S.C. §§ 13143-44. The Judicial Conference has adopted regulations for lower court federal judges relating to outside earned income, honoraria, and employment. *See* Guide to Judiciary Policy, Vol. 2C § 1020.20(a)(10). The Justices comply with the substance of those regulations. *See* S.Ct. Resolution (Jan. 18, 1991).
- Federal Gift Statute. “[N]o . . . officer . . . of the . . . judicial branch shall solicit or accept anything of value from a person . . . seeking official action from [or] doing business with . . . the individual’s employing entity; or . . . whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties.” 5 U.S.C. § 7353(a). *See also* 5 U.S.C. § 7351 (gifts to supervisors). The Judicial Conference has promulgated gift regulations that govern lower court federal judges. *See* Guide to Judiciary Policy, vol. 2C § 620.20. The Justices resolved to comply with the substance of the regulations. *See* S.Ct. Resolution (Jan. 18, 1991).
- The Foreign Gifts and Decorations Act. The Foreign Gifts and Decorations Act prohibits an employee from accepting gifts of more than minimal value from foreign governments and imposes reporting requirements on the acceptance of such gifts. An “employee” includes an individual who is engaged in the performance of a federal function under authority of law. *See* 5 U.S.C. §§ 7342(a)(1)(A); 2105(a)(2); U.S. Const., art. I, § 9, cl. 8. The Judicial Conference has adopted foreign gift regulations that apply to officers of the judicial branch. *See* Guide to Judiciary Policy, vol. 2C § 710. The Justices resolved to comply with the statute. *See* S.Ct. Resolution (Jan. 15, 1993).
- Honorary Club Memberships. Judicial officers may not accept a gift of an honorary club membership valued at over \$50 per calendar year. *See* Pub. L. 110-

1 402, § 2(b), 122 Stat. 4254 (Oct. 13, 2008). “Judicial officer” means the Justices  
2 and lower federal court judges. *Id.* § 2(a)(2); 5 U.S.C. § 13101(10). The Justices  
3 comply with the statute.  
4

- 5 • Federal Recusal Statute. 28 U.S.C. § 455 provides recusal standards for  
6 “justice[s] [and] judge[s] . . . of the United States.” The Chief Justice has stated  
7 that “the limits of Congress’s power to require recusal have never been tested.  
8 The Justices follow the same general principles as other federal judges, but the  
9 application of those principles can differ due to the unique circumstances of the  
10 Supreme Court.” C.J. Roberts 2011 Year-End Rpt. at 7. First, there is no higher  
11 court to review the Justices’ recusal decisions. Second, because recused Justices  
12 cannot be replaced, a Justice cannot withdraw from a case as a matter of  
13 convenience or simply to avoid controversy. In 1993, a Statement of Recusal  
14 Policy addressed recusal issues where members of a Justice’s family were  
15 practicing attorneys. *See* Statement of Recusal Policy (Nov. 1, 1993).  
16

- 17 • Code of Conduct for U.S. Judges. The Code of Conduct for U.S. Judges applies  
18 by its terms only to lower court federal judges. *See* Code of Conduct for U.S.  
19 Judges, Introduction. The Court nonetheless takes guidance from the Code.  
20

- 21 • IPO Purchases and Discussions with Prospective Private Employers. The Stop  
22 Trading On Congressional Knowledge Act of 2012, Pub. L. 112-105 §§ 12, 17,  
23 126 Stat. 291 (Apr. 4, 2012), provides that Justices and lower court federal judges  
24 may not “purchase securities that are the subject of an initial public offering . . . in  
25 any manner other than is available to members of the public generally.” Pub. L.  
26 112-105 § 12. The Act also provides that Justices and lower court judges who are  
27 negotiating agreements with private entities for post-judicial employment or  
28 compensation, or who have made such agreements, must file statements with the  
29 individual’s supervising ethics office within three days that include “the name of  
30 the private entity or entities involved in such negotiations or agreement, and the  
31 date such negotiations or agreement commenced.” *Id.* § 17. The Justices follow  
32 the statute.

# Key Document I

RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 27, 2023

The Honorable John G. Roberts, Jr.  
Chief Justice  
Supreme Court of the United States  
1 First Street NE  
Washington, DC 20543

Dear Chief Justice Roberts:

On April 25, you sent a letter to the Senate Judiciary Committee declining an invitation to appear, or to designate a Justice to appear, in front of the Senate Judiciary Committee to discuss the Supreme Court's approach to ethics matters. It is noteworthy that no Justice will speak to the American people after numerous revelations have called the Court's ethical standards into question, even though sitting Justices have testified before Senate or House Committees on at least 92 occasions since 1960.

Your letter states that "[i]n regard to the Court's approach to ethics matters, I attach a Statement of Ethics Principles and Practices to which all of the current Members of the Supreme Court subscribe." The statement of principles raises more questions than it resolves, and we request that you respond to several key questions. Your answers will inform the Committee's work on legislation that seeks to ensure that the ethical obligations and practices of the Justices are at least on par with those that govern the rest of the federal judiciary and the federal government generally. We request that you provide these answers by May 1, so that they may be discussed during the Committee's hearing the following day.

1. On what date did the Justices subscribe to the Statement on Ethics Principles and Practices that you attached to your letter, and had the Justices subscribed to any previous statement of ethics principles and practices before that date? If so, please provide any such statement.
2. The Statement on Ethics Principles and Practices notes that "[i]n 1991, Members of the Court voluntarily adopted a resolution to follow the substance of the Judicial Conference Regulations." Does the Court currently require unanimity among the Justices in order to adopt a resolution to follow the substance of ethics regulations?
3. The Statement on Ethics Principles and Practices provides that "Justices, like other federal judges, consult a wide variety of authorities to address specific ethical issues." What guidance do Justices receive on which authorities to consult, and how is this consultation process and any final decision on a particular matter documented?
4. The Statement on Ethics Principles and Practices provides that "[a]llegations of errors or omissions in the filing of financial disclosure reports are referred by the Secretary of the

Judicial Conference to the Committee on Financial Disclosure. The Committee may send the filer a letter of inquiry, providing an opportunity for the filer to respond as appropriate.”  
What is the consequence, if any, for a sitting Justice who does not respond as appropriate to such a letter of inquiry?

5. Has there ever been any censure, reprimand, admonition, sanction, or other penalty imposed on a Justice for failure to abide by any of the principles and practices now contained in the Statement on Ethics Principles and Practices? If so, what types of penalties have been, or may be, imposed? Is there a process by which the public may file, and the Supreme Court may receive, complaints that a Justice has failed to abide by these principles?

Thank you for your prompt attention to these questions. We look forward to your responses as we work to craft legislation that will help ensure public confidence in the Court’s approach to ethical obligations.

Sincerely,



Richard J. Durbin  
Chair



Dianne Feinstein  
United States Senator



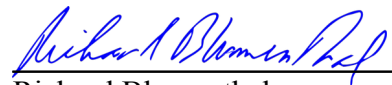
Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator

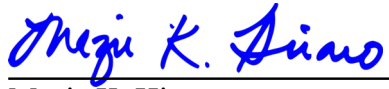


Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator

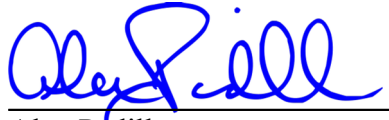




Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Jon Ossoff  
United States Senator



Peter Welch  
United States Senator

cc: The Honorable Lindsey O. Graham, Ranking Member

# Key Document J

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

May 1, 2023

Chairman Richard J. Durbin  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Dianne Feinstein  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Sheldon Whitehouse  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Amy Klobuchar  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Christopher A. Coons  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Richard Blumenthal  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Mazie Hirono  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Cory A. Booker  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Alex Padilla  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Jon Ossoff  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Senator Peter Welch  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510-6275

Dear Chairman Durbin and Senators Feinstein, Whitehouse, Klobuchar, Coons, Blumenthal, Hirono, Booker, Padilla, Ossoff, and Welch:

I am writing in response to your letter dated April 27, 2023.

The Justices subscribed to the Statement on Ethics Principles and Practices on April 25, 2023. It reaffirms ethics principles and practices that have long guided Members of the Supreme Court. The Justices previously subscribed to statements concerning ethics principles and

practices in 1991 and twice in 1993 (a resolution relating to the Foreign Gifts and Decorations Act and a statement concerning recusal issues where members of a Justice's family were practicing attorneys).

There are no set rules for the consideration or adoption of a resolution. The 2023 Statement and the 1991 and 1993 Resolutions were unanimous. The 1993 Statement of Recusal Policy was signed by seven Justices (all of the then-active Justices except for Justices Blackmun and Souter), with no recorded dissents.

As with any issue that may require research, Justices consult a wide variety of guidance on ethics issues, including statutes, judicial opinions, advice from Judicial Conference Committees and the Court's Legal Office, scholarly commentary, and historical practice, among other sources.

A letter of inquiry from the Committee on Financial Disclosure may trigger a variety of appropriate responses from a filer. Sometimes the additional information provided by the filer resolves the concern raised by the Committee with no further action; other times, the filer may choose or be advised to file an amended report. I am not aware of any instance in which a Justice and the Committee failed to resolve any issues that led to an inquiry. And, given the history of resolving such issues, I am not aware of penalties that have been imposed on Justices for failure to abide by principles or practices recited in the Statement. But the statute provides that the Judicial Conference shall refer the name of a filer to the Attorney General for willful failure to report required information.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark H.", is positioned below the word "Respectfully,".

cc: Senator Lindsey Graham, Ranking Member

# Key Document K

August 3, 2023

The Honorable John G. Roberts, Jr.  
Chief Justice  
Supreme Court of the United States  
1 First Street NE  
Washington, DC 20543

Dear Chief Justice Roberts:

We write regarding recent interviews that Justice Samuel Alito granted to the *Wall Street Journal*. By opining on the constitutionality of legislation under consideration by the U.S. Senate and agreeing to sit for interviews conducted in part by an attorney with a case currently pending before the Court, Justice Alito violated a key tenet of the *Statement on Ethics Principles and Practices* (hereinafter *Statement on Ethics*) to which all Supreme Court Justices purport to subscribe<sup>1</sup> as well as the Code of Conduct for U.S. Judges. We therefore urge you to take appropriate steps to ensure that Justice Alito will recuse himself in any future cases concerning legislation that regulates the Court, as well as *Moore v. United States*.

Since 2011, you have argued that the Supreme Court can police its own ethical conduct. Yet, this year has been marked by revelation after revelation of justices receiving lavish gifts that they failed to disclose as required by law or otherwise using their offices and taxpayer-funded resources for personal gain. Instead of restoring public confidence in the Court's ethical standards and adopting a binding and enforceable code of conduct, the Court instead issued the *Statement on Ethics*. Just over three months later, Justice Alito has already twice violated this admittedly limited *Statement on Ethics* by "creat[ing] an appearance of impropriety in the minds of reasonable members of the public."<sup>2</sup>

Last Friday, the *Wall Street Journal* published an interview with Justice Alito.<sup>3</sup> In this interview, Justice Alito stated: "I know this is a controversial view, but I'm willing to say it. No provision in the Constitution gives [Congress] the authority to regulate the Supreme Court—period."<sup>4</sup> While this view is plainly incorrect,<sup>5</sup> we are even more concerned that Justice Alito has

---

<sup>1</sup> See Attachment to Letter from the Honorable John G. Roberts, Jr., Chief Justice, U.S. Supreme Court, to the Honorable Richard J. Durbin, Chair, Senate Committee on the Judiciary (April 25, 2023) (hereinafter "*Statement on Ethics*").

<sup>2</sup> *Id.*

<sup>3</sup> David B. Rivkin & James Taranto, [Samuel Alito, the Supreme Court's Plain-Spoken Defender](#), WALL ST. J. (Jul. 28, 2023).

<sup>4</sup> *Id.*

<sup>5</sup> Congress has substantial authority to regulate the Supreme Court and exercises it consistently, controlling, for example, the Court's size (28 U.S.C. § 1), the time and place of the Court's sitting (28 U.S.C. § 2), and the justices' oath of office (28 U.S.C. § 453). Congress has also on numerous occasions enacted ethics legislation that applies to the justices, including the Ethics in Government Act, the Federal Gift Statute, the Foreign Gifts and Decorations

publicly prejudged a matter that could come before the Court in the future.<sup>6</sup> The *Statement on Ethics* defines an “appearance of impropriety” as “when an unbiased and reasonable person who is aware of all relevant facts would doubt that the Justice could fairly discharge his or her duties.”<sup>7</sup> Canon 3(A)(6) of the Code of Conduct for U.S. Judges likewise provides that “[a] judge should not make public comment on the merits of a matter pending or impending in any court.”<sup>8</sup> Justice Alito demonstrated his understanding of these ethical canons during his 2006 confirmation hearing, where, among other similar testimony, he stated, “I wouldn’t want to prejudge any constitutional question that might be presented to me.”<sup>9</sup> And yet, we now have Justice Alito publicly remarking on the constitutionality of pending legislation—comments that unquestionably engender doubt that he could fairly discharge his duties should this question come before the Court.

Moreover, this interview was conducted in part by David Rivkin. Mr. Rivkin is a partner at BakerHostetler LLP and is on the team representing plaintiff-appellants in the case *Moore v. United States*, whose dismissal at the district court level was affirmed by the Ninth Circuit.<sup>10</sup> On February 21, Mr. Rivkin and this team sought certiorari for their clients on this case,<sup>11</sup> which the Supreme Court granted on June 26.<sup>12</sup> While this case has been pending before the Court, Justice Alito twice sat for interviews with Mr. Rivkin, once in April and again in July.<sup>13</sup> Mr. Rivkin’s access to Justice Alito and efforts to help Justice Alito air his personal grievances could cast doubt on Justice Alito’s ability to fairly discharge his duties in a case in which Mr. Rivkin represents one of the parties. The relationship between Justice Alito and Mr. Rivkin is also concerning because Mr. Rivkin is counsel for Leonard Leo with regard to this Committee’s investigation into Mr. Leo’s actions to facilitate gifts of free transportation and lodging that Justice Alito accepted from Paul Singer and Robin Arkley II in 2008.<sup>14</sup> This violates the *Statement on Ethics* by creating an appearance of impropriety.

As you wrote in 2011, “[j]udges must exercise both constant vigilance and good judgment to fulfill the obligations they have all taken since the beginning of the Republic.”<sup>15</sup> Due to the aforementioned violations of the *Statement on Ethics*, which Justice Alito himself signed, we believe that he has exercised neither. Recusal in these matters is the only reasonable way for Justice Alito to prevent further damage to public confidence in the Court.

---

Act, and the Federal Recusal Statute.

<sup>6</sup> The Senate Committee on the Judiciary marked up and voted out the *Supreme Court Ethics, Recusal, and Transparency (SCERT) Act* for consideration by the full Senate on July 20, 2023.

<sup>7</sup> *Statement on Ethics* at 2:14-15.

<sup>8</sup> Code of Conduct for U.S. Judges, Canon 3(A)(6).

<sup>9</sup> Transcript of January 12, 2006 Senate Judiciary Committee Hearing.

<sup>10</sup> *Moore v. United States*, 36 F.4th 930 (9th Cir. 2022).

<sup>11</sup> Petition for Writ of Certiorari, *Moore v. United States*, No. 22-800 (Feb. 21, 2023).

<sup>12</sup> *Moore v. United States*, No. 22-800, 2023 WL 4163201 (Jun. 26, 2023).

<sup>13</sup> See James Taranto & David B. Rivkin, Jr., [Justice Samuel Alito: ‘This Made Us Targets of Assassination,’](#) WALL ST. J. (Jul. 28, 2023); David B. Rivkin & James Taranto, [Samuel Alito, the Supreme Court’s Plain-Spoken Defender,](#) WALL ST. J. (Jul. 28, 2023).

<sup>14</sup> See Letter from Senators Sheldon Whitehouse and Richard J. Durbin to Leonard Leo, Chairman, CRC Advisors (Jul. 11, 2023).

<sup>15</sup> [2011 Year-End Report on the Federal Judiciary](#) 11 (Dec. 31, 2011).

This episode again illustrates why legislation establishing stronger, enforceable ethics standards for the Court is of paramount importance. The Court is mired in an ethical crisis of its own making, yet its only response has been a weak statement on ethics that Justice Alito has apparently ignored. It is unacceptable for the highest court in the land to have the lowest ethical standards, and because the Court has abdicated its responsibility to establish its own standards, Congress must act.

Thank you for your prompt attention to this request.

Sincerely,



Richard J. Durbin  
Chair



Dianne Feinstein  
United States Senator



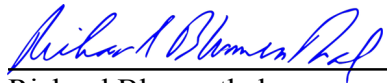
Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator



Christopher A. Coons  
United States Senator



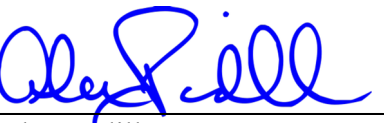
Richard Blumenthal  
United States Senator



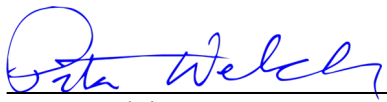
Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Peter Welch  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member



# Key Document L

# **SUPREME COURT OF THE UNITED STATES**

## **STATEMENT OF THE COURT**

### **REGARDING THE CODE OF CONDUCT**

The undersigned Justices are promulgating this Code of Conduct to set out succinctly and gather in one place the ethics rules and principles that guide the conduct of the Members of the Court. For the most part these rules and principles are not new: The Court has long had the equivalent of common law ethics rules, that is, a body of rules derived from a variety of sources, including statutory provisions, the code that applies to other members of the federal judiciary, ethics advisory opinions issued by the Judicial Conference Committee on Codes of Conduct, and historic practice. The absence of a Code, however, has led in recent years to the misunderstanding that the Justices of this Court, unlike all other jurists in this country, regard themselves as unrestricted by any ethics rules. To dispel this misunderstanding, we are issuing this Code, which largely represents a codification of principles that we have long regarded as governing our conduct.

NOVEMBER 13, 2023

CODE OF CONDUCT FOR JUSTICES OF  
THE SUPREME COURT OF THE UNITED STATES

CANON 1: A JUSTICE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF  
THE JUDICIARY.

A Justice of the Supreme Court of the United States should maintain and observe high standards of conduct in order to preserve the integrity and independence of the federal judiciary.

CANON 2: A JUSTICE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF  
IMPROPRIETY IN ALL ACTIVITIES.

A. RESPECT FOR LAW. A Justice should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. OUTSIDE INFLUENCE. A Justice should not allow family, social, political, financial, or other relationships to influence official conduct or judgment. A Justice should neither knowingly lend the prestige of the judicial office to advance the private interests of the Justice or others nor knowingly convey or permit others to convey the impression that they are in a special position to influence the Justice. A Justice should not testify voluntarily as a character witness.

C. NONDISCRIMINATORY MEMBERSHIP. A Justice should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.

CANON 3: A JUSTICE SHOULD PERFORM THE DUTIES OF OFFICE FAIRLY,  
IMPARTIALLY, AND DILIGENTLY.

A. RESPONSIBILITIES. A Justice should not be swayed by partisan interests, public clamor, or fear of criticism. A Justice should participate in matters assigned, unless disqualified, and should maintain order and decorum in judicial proceedings. A Justice should be patient, dignified, respectful, and courteous to all individuals with whom the Justice deals in an official capacity. A Justice should not engage in behavior that is harassing, abusive, prejudiced, or biased. A Justice should not retaliate against those who report misconduct. A Justice should require similar conduct by those subject to the Justice's control. A Justice should take appropriate action upon receipt of reliable information indicating the likelihood of misconduct by a Court employee. Except as provided by law or Court rule, a Justice should not initiate, permit, or consider *ex parte* communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a Justice receives an unauthorized *ex parte* communication bearing on the substance of the matter, the Justice should promptly notify the parties of the subject matter of the communication and

allow the parties to respond. A Justice should not knowingly make public comment on the merits of a matter pending or impending in any court. The prohibition on public comment on the merits of a matter does not extend to public statements made in the course of the Justice's official duties. For scholarly, informational, or educational purposes, a Justice may describe the issues in a pending or impending case. A Justice should require similar restraint by Court personnel subject to the Justice's control. A Justice should not direct Court personnel to engage in conduct on the Justice's behalf or as the Justice's representative when that conduct would contravene the Canons if undertaken by the Justice.

B. DISQUALIFICATION.

- (1) A Justice is presumed impartial and has an obligation to sit unless disqualified.
- (2) A Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties. Such instances include, but are not limited to, those in which:
  - (a) The Justice has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
  - (b) At a prior stage of the proceeding, the Justice represented a party, or a lawyer with whom the Justice previously practiced law served during such association as a lawyer for a party, or the Justice or lawyer has been a material witness in the proceeding;
  - (c) The Justice knows that the Justice, individually or as a fiduciary, or the Justice's spouse or minor child residing in the Justice's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;
  - (d) The Justice or the Justice's spouse, or a person related to either within the third degree of relationship, or the spouse of such person, is known by the Justice: (i) to be a party to the proceeding, or an officer, director, or trustee of a party; (ii) to be acting as a lawyer in the proceeding; (iii) to have an interest that could be substantially affected by the outcome of the proceeding; or (iv) likely to be a material witness in the proceeding.

- (e) The Justice has served in government employment and in that capacity participated as a judge (in a previous judicial position), counsel, advisor, or material witness concerning the proceeding or has expressed during prior government or judicial service an opinion concerning the merits of the particular case in controversy.
  - (f) The Justice's spouse or a person related to the Justice or the Justice's spouse within the third degree of relationship, or the spouse of such person, is known by the Justice: (i) to have served as lead counsel for a party below; or (ii) to be an equity partner in a law firm that appears before the Court on behalf of a party to the proceeding and the Court has not received written assurance that the income from Supreme Court litigation is permanently excluded from the person's compensation.
- (3) The rule of necessity may override the rule of disqualification.
  - (4) Neither the filing of a brief *amicus curiae* nor the participation of counsel for *amicus curiae* requires a Justice's disqualification.
  - (5) A Justice should keep informed about the Justice's personal and fiduciary financial interests and make a reasonable effort to keep informed about the personal financial interests of the Justice's spouse and minor children residing in the Justice's household.
  - (6) For the purposes of this section:
    - (a) The degree of relationship is calculated according to the civil law system; the following relatives are within the third degree of relationship: parent, child, grandparent, grandchild, great grandparent, great grandchild, sister, brother, aunt, uncle, niece, and nephew; the listed relatives include whole and half blood relatives and most step relatives;
    - (b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;
    - (c) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:
      - (i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in

such securities unless the judge participates in the management of the fund;

- (ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a “financial interest” in securities held by the organization;
  - (iii) The proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a “financial interest” in the organization only if the outcome of the proceeding could substantially affect the value of the interest;
  - (iv) Ownership of government securities is a “financial interest” in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.
- (d) “proceeding” includes pretrial, trial, appellate review, or other stages of litigation.
- (7) Notwithstanding the preceding provisions of this Canon, if a Justice would be disqualified because of a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the Justice (or the Justice’s spouse or minor child) divests the interest that provides the grounds for disqualification.

CANON 4: A JUSTICE MAY ENGAGE IN EXTRAJUDICIAL ACTIVITIES THAT ARE CONSISTENT WITH THE OBLIGATIONS OF THE JUDICIAL OFFICE.

A Justice may engage in extrajudicial activities, including law-related pursuits and civic, charitable, educational, religious, social, financial, fiduciary, and government activities, and may speak, write, lecture, and teach on both law-related and nonlegal subjects. However, a Justice should not participate in extrajudicial activities that detract from the dignity of the Justice’s office, interfere with the performance of the Justice’s official duties, reflect adversely on the Justice’s impartiality, lead to frequent disqualification, or violate the limitations set forth below.

A. LAW-RELATED ACTIVITIES.

- (1) Speaking, Writing, and Teaching. A Justice may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, or the administration of justice subject to the following limitations and considerations:

- (a) A Justice should not speak at an event sponsored by or associated with a political party or a campaign for political office.
  - (b) A Justice should not speak at or otherwise participate in an event that promotes a commercial product or service, except that a Justice may attend and speak at an event where the Justice's books are available for purchase.
  - (c) A Justice should not speak to or participate in a meeting organized by a group if the Justice knows that the group has a substantial financial interest in the outcome of a case that is before the Court or is likely to come before the Court in the near future.
  - (d) A Justice may attend a "fundraising event" of law-related or other nonprofit organizations, but a Justice should not knowingly be a speaker, a guest of honor, or featured on the program of such event. In general, an event is a "fundraising event" if proceeds from the event exceed its costs or if donations are solicited in connection with the event.
  - (e) In deciding whether to speak or appear before any group, a Justice should consider whether doing so would create an appearance of impropriety in the minds of reasonable members of the public. Except in unusual circumstances, no such appearance will be created when a Justice speaks to a group of students or any other group associated with an educational institution, a bar group, a religious group, or a non-partisan scholarly or cultural group.
- (2) Consultation. A Justice may consult with or appear at a public hearing before an executive or legislative body or official: (a) on matters concerning the law, the legal system, or the administration of justice; (b) to the extent it would generally be perceived that a Justice's judicial experience provides special expertise in the area; or (c) when the Justice is acting *pro se* in a matter involving the Justice or the Justice's interest.
- (3) Organizations. A Justice may participate in and serve as a member, officer, director, trustee, or nonlegal advisor of a nonprofit organization devoted to the law, the legal

system, or the administration of justice and may assist such an organization in the management and investment of funds. A Justice may make recommendations to public and private fund-granting agencies about projects and programs concerning the law, the legal system, and the administration of justice.

- (4) Arbitration and Mediation. A Justice should not act as an arbitrator or mediator or otherwise perform judicial functions apart from the Justice's official duties unless authorized by law.
- (5) Practice of Law. A Justice should not practice law and should not serve as a family member's lawyer in any forum. A Justice may, however, act *pro se* and may, without compensation, give legal advice to and draft or review documents for a member of the Justice's family.

B. CIVIC AND CHARITABLE ACTIVITIES. A Justice may participate in and serve as an officer, director, trustee, or nonlegal advisor of a nonprofit civic, charitable, educational, religious, or social organization, subject to the following limitations:

- (1) A Justice should not serve if it is likely that the organization will either be engaged in proceedings that would ordinarily come before the Justice or be regularly engaged in adversary proceedings in any court.
- (2) A Justice should not give investment advice to such an organization but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

C. FUNDRAISING. A Justice may assist nonprofit law-related, civic, charitable, educational, religious, or social organizations in planning fundraising activities and may be listed as an officer, director, or trustee. Use of a Justice's name, position in the organization, and judicial designation on an organization's letter head, including when used for fundraising or soliciting members, is permissible if comparable information and designations are listed for others. Otherwise, a Justice should not personally participate in fundraising activities, solicit funds for any organization, or use or knowingly permit the use of the prestige of judicial office for that purpose. A Justice should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fundraising mechanism.



D. FINANCIAL ACTIVITIES.

- (1) A Justice may hold and manage investments, including real estate and engage in other remunerative activity, but should refrain from financial and business dealings that exploit the judicial position or involve the Justice in frequent transactions or continuing business relationships with lawyers likely to appear before the Court or other persons likely to come before the Court.
- (2) A Justice may serve as an officer, director, active partner, manager, advisor, or employee of a business only if the business is closely held and controlled by members of the Justice's family. For this purpose, "members of the Justice's family" means persons related to the Justice or the Justice's spouse within the third degree of relationship as defined in Canon 3B(6)(a), any other relative with whom the Justice or the Justice's spouse maintains a close familial relationship, and the spouse of any of the foregoing.
- (3) A Justice should comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Regulations on Gifts now in effect. A Justice should endeavor to prevent any member of the Justice's family residing in the household from soliciting or accepting a gift except to the extent that a Justice would be permitted to do so by the Judicial Conference Gift Regulations. A "member of the Justice's family" means any relative of a Justice by blood, adoption, or marriage, or any person treated by a Justice as a member of the Justice's family.
- (4) A Justice should not disclose or use nonpublic information acquired in a judicial capacity for any purpose unrelated to the Justice's official duties.

E. FIDUCIARY ACTIVITIES. A Justice may serve as the executor, administrator, trustee, guardian, or other fiduciary only for the estate, trust, or person of a member of the Justice's family as defined in Canon 4D(3). As a family fiduciary a Justice is subject to the following restrictions:

- (1) The Justice should not serve if it is likely that as a fiduciary the Justice would be engaged in proceedings that would ordinarily come before the Justice or if the estate, trust, or

ward becomes involved in adversary proceedings before the Court or in a court under the Court's jurisdiction.

- (2) While acting as a fiduciary, a Justice is subject to the same restrictions on financial activities that apply to a Justice in a personal capacity.

F. GOVERNMENTAL APPOINTMENTS. A Justice may accept appointment to a governmental committee, commission, or other position only if it is one that concerns the law, the legal system, or the administration of justice, or if appointment of a Justice is authorized by federal law. A Justice should not, in any event, accept such an appointment if the Justice's governmental duties would tend to undermine public confidence in the integrity, impartiality, or independence of the judiciary. A Justice may participate in national, state, or local ceremonial occasions or in connection with historical, educational, and cultural activities.

G. CHAMBERS, RESOURCES, AND STAFF. A Justice should not to any substantial degree use judicial chambers, resources, or staff to engage in activities that do not materially support official functions or other activities permitted under these Canons.

H. COMPENSATION, REIMBURSEMENT, FINANCIAL REPORTING. A Justice may accept reasonable compensation and reimbursement of expenses for permitted activities if the source of the payments does not give the appearance of influencing the Justice's official duties or otherwise appear improper. Expense reimbursement should be limited to the actual or reasonably estimated costs of travel, food, and lodging reasonably incurred by the Justice and, where appropriate to the occasion, by the Justice's spouse or relative. For some time, all Justices have agreed to comply with the statute governing financial disclosure, and the undersigned Members of the Court each individually reaffirm that commitment.

CANON 5: A JUSTICE SHOULD REFRAIN FROM POLITICAL ACTIVITY.

A Justice should not: (1) act as a leader or hold any office in a political organization; (2) make speeches for a political organization or candidate, or publicly endorse or oppose a candidate for public office; or (3) solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate, or attend or purchase a ticket for a dinner or other event sponsored by a political organization or candidate. A Justice should resign the judicial office if he or she becomes a candidate in a primary or general election for any office. A Justice should not engage in other political activity. This provision does not prevent a Justice from engaging in activities described in Canon 4.

The undersigned Members of the Court subscribe to this Code and the accompanying Commentary.

JOHN G. ROBERTS, JR.

CLARENCE THOMAS

SAMUEL A. ALITO, JR.

SONIA SOTOMAYOR

ELENA KAGAN

NEIL M. GORSUCH

BRETT M. KAVANAUGH

AMY CONEY BARRETT

KETANJI BROWN JACKSON

NOVEMBER 13, 2023

## Commentary

This Code of Conduct is substantially derived from the Code of Conduct for U.S. Judges, but adapted to the unique institutional setting of the Supreme Court. In certain instances, the foregoing Canons provide fairly specific guidance. A Justice, for example, “should not testify voluntarily as a character witness.” Canon 2B. A Justice “may serve as the executor . . . only for the estate, trust, or person of a member of the Justice’s family.” Canon 4E. In many cases, however, these Canons are broadly worded general principles informing conduct, rather than specific rules requiring no exercise of judgment or discretion. It is not always clear, for example, whether particular conduct undermines, promotes, or has no effect on “public confidence in the integrity and impartiality of the judiciary,” Canon 2A, or whether a Justice has acted in a “patient, dignified, respectful, and courteous” manner, Canon 3A. This concern is heightened with respect to Canons applicable to Justices of the Supreme Court, given the often sharp disagreement concerning matters of great import that come before the Supreme Court. These Canons must be understood in that light.

This Commentary does not adopt the extensive commentary from the lower court Code, much of which is inapplicable. It instead is tailored to the Supreme Court’s placement at the head of a branch of our tripartite governmental structure.

Canon 3B addresses the inherently judicial function of recusal. The Justices follow the same general principles and statutory standards for recusal as other federal judges, including in the evaluation of motions to recuse made by parties. But the application of those principles can differ due to the effect on the Court’s processes and the administration of justice in the event that one or more Members must withdraw from a case. Lower courts can freely substitute one district or circuit judge for another. The Supreme Court consists of nine Members who sit together. The loss of even one Justice may undermine the “fruitful interchange of minds which is indispensable” to the Court’s decision-making process. See *Dick v. New York Life Ins. Co.*, 359 U.S. 437, 459 (1959) (Frankfurter, J., dissenting). Recusal can have a “distorting effect upon the certiorari process, requiring the petitioner to obtain (under our current practice) four votes out of eight instead of four out of nine.” S. Ct. Stmt. of Recusal Policy (Nov. 1, 1993). When hearing a case on the merits, the loss of one Justice is “effectively the same as casting a vote against the petitioner. The petitioner needs five votes to overturn the judgment below, and it makes no difference whether the needed fifth vote is missing because it has been cast for the other side, or because it has not been cast at all.” *Cheney v. United States Dist. Court for D.C.*, 541 U.S. 913, 916 (2004) (memorandum of Scalia, J.). And the absence of one Justice risks the affirmance of a lower court decision by an evenly divided Court—potentially preventing the Court from providing a uniform national rule of decision on an important issue. See

*Microsoft Corp. v. United States*, 530 U.S. 1301, 1303 (2000) (statement of Rehnquist, C.J.). In short, much can be lost when even one Justice does not participate in a particular case.

This Canon's recusal provisions thus differ from those in the lower court Code in that they: restate the Justices' 1993 Statement of Recusal Policy; recognize the duty to sit and that the time-honored rule of necessity may override the rule of disqualification, see *United States v. Will*, 449 U.S. 200, 217 (1980) (28 U.S.C. § 455 does not alter the rule of necessity); ABA Model Code of Judicial Conduct Rule 2.11 cmt. 3 ("The rule of necessity may override the rule of disqualification."); and omit the remittal procedure of lower court Code Canon 3D. Canon 3B(2)(d) retains language from the lower court Code relating to known interests of third-degree relatives that might be substantially affected by the outcome of a proceeding. Because of the broad scope of the cases that come before the Supreme Court and the nationwide impact of its decisions, this provision should be construed narrowly. For example, a Justice who has school-age nieces and nephews need not recuse from a case involving student loans even though the disposition of that case could substantially affect the terms on which the Justice's relatives would finance their higher education.

The Canon's recusal provisions depend on the Justice's knowledge of certain relationships or interests. The Court receives approximately 5,000 to 6,000 petitions for writs of certiorari each year. Roughly 97 percent of this number may be and are denied at a preliminary stage, without joint discussion among the Justices, as lacking any reasonable prospect of certiorari review. Recusal issues must be considered in light of this reality. In view of the Canon's knowledge requirement and the large volume of cases docketed, the Justices rely on the disclosure statements required under the Court's rules in identifying interested parties that may present grounds for recusal. Individual Justices, rather than the Court, decide recusal issues. See *Cheney v. United States Dist. Court for D.C.*, 540 U.S. 1217 (2004) ("In accordance with its historic practice, the Court refers the motion to recuse in this case to Justice Scalia."). Recusals are noted in the Court's decisions, both at the certiorari and merits stages.

In contrast to the lower courts, where filing of *amicus* briefs is limited, the Supreme Court receives up to a thousand *amicus* filings each Term. In some recent instances, more than 100 *amicus* briefs have been filed in a single case. The Court has adopted a permissive approach to *amicus* filings, having recently modified its rules to dispense with the prior requirement that *amici* either obtain the consent of all parties or file a motion seeking leave to submit an *amicus* brief. In light of the Court's permissive *amicus* practice, *amici* and their counsel will not be a basis for an individual Justice to recuse. The courts of appeals follow a similar approach to ameliorating any risk that an *amicus* filing could precipitate a recusal. Federal Rule of Appellate Procedure 29(a)(2)

states that “a court of appeals may prohibit the filing of or may strike an amicus brief that would result in a judge’s disqualification.”

Canon 4 reflects the principle that Justices, like all judges, are encouraged to engage in extrajudicial activities as long as independence and impartiality are not compromised. Justices are uniquely qualified to engage in judicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. Justices are also encouraged to engage in educational, religious, charitable, fraternal, or civic extracurricular activities not conducted for profit, even when those activities do not relate to the law. Participation in both law-related and other judicial activities helps integrate Justices into their communities and furthers public understanding of and respect for the judicial system.

Canon 4G clarifies that a Justice “should not to any substantial degree use judicial chambers, resources, or staff to engage in activities that do not materially support official functions or other activities permitted under these Canons.” This provision recognizes the distinctive security concerns that the Justices face as high-profile public figures and allows the Justices to accept comprehensive security protection. See 40 U.S.C. § 6121(a)(2)(A) (authorizing the Supreme Court Police to protect the Justices when they are not performing official duties). It also allows Court officials and chambers staff to perform their official duties in enhancing security and providing legal, ethics, and other appropriate assistance to the Justices in light of the high public interest in the Justices’ activities and the acute security concerns that are distinct from such concerns for lower court judges. And, consistent with historic practice, chambers personnel including law clerks may assist Justices with speeches, law review articles, and other activities described in Canon 4.

Canon 4D(3) and 4H articulate the practice formalized in 1991 of individual Justices following the financial disclosure requirements and limitations on gifts, outside earned income, outside employment, and honoraria. Justices file the same annual financial disclosure reports as other federal judges. Those reports disclose, among other things, the Justices’ non-governmental income, investments, gifts, and reimbursements from third parties. For purposes of sound judicial administration, the Justices file those reports through the Judicial Conference Committee on Financial Disclosure.

In regard to the financial disclosure requirements relating to teaching and outside earned income, a Justice may not accept compensation for an appearance or a speech, but may be paid for “teaching a course of study at an accredited educational institution or participating in an educational program of any duration that is sponsored by such an institution and is part of its educational offering.” 2C Guide to Judicial Policy § 1020.35(b) (2010). Associate Justices must receive prior approval from the Chief Justice to receive

compensation for teaching; the Chief Justice must receive prior approval from the Court. See S. Ct. Resolution ¶ 3 (Jan. 18, 1991). Justices may not have outside earned income—including income from teaching—in excess of an annual cap established by statute and regulation. Compensation for writing a book is not subject to the cap.

Like lower court judges, Justices engage in extrajudicial activities other than teaching, including speaking, writing, and lecturing on both law-related and non-legal subjects. In fact, the lower court canons encourage public engagement by judicial officers to avoid isolation from the society in which they live and to contribute to the public’s understanding of the law. In deciding whether to speak before any group, a Justice should consider whether doing so would create an appearance of impropriety in the minds of reasonable members of the public.

In addition to this Code of Conduct, the Justices also comply with:

- The Constitution of the United States, see, *e.g.*, U.S. Const. Art. I, § 9, cl. 8 (foreign emoluments clause); Amdt. 5 (due process clause).
- Current laws relating to judicial ethics including, but not limited to 28 U.S.C. §§ 455, 2109; the Ethics in Government Act, 5 U.S.C. §§ 13101 – 13111, 13141 – 13145; the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342; Pub. L. 110-402, § 2(b), 122 Stat. 4255; and the Stop Trading on Congressional Knowledge Act of 2012, Pub. L. 112-105, §§ 12, 17, 126 Stat. 303; and
- Current Judicial Conference Regulations on: Gifts; Foreign Gifts and Decorations; Outside Earned Income, Honoraria, and Employment; and Financial Disclosure.

See, *e.g.*, S. Ct. Statement on Ethics Principles and Practices (Apr. 25, 2023). The Justices may also take guidance from their colleagues, judicial decisions, the Supreme Court’s Office of Legal Counsel, the Judicial Conference Committees on Codes of Conduct and Financial Disclosure, lower court judges, executive and legislative branch practice and guidance, state judicial ethics authorities, and from scholars, scholarly treatises, and articles. The Justices also continue to look to the Court’s own past resolutions and opinions for guidance. The Court provides mandatory training on judicial ethics principles to all Court employees.

In urging the judiciary to promulgate and adopt what became the lower court Code, Justice Tom C. Clark observed shortly after his retirement from the Supreme Court that judges “must bear the primary responsibility for requiring [appropriate] judicial behavior.” Hearings on Nonjudicial Activities of Supreme Court Justices and Other Federal Judges before the Subcommittee

on Separation of Powers of the Senate Committee on the Judiciary, 91st Cong., 1st Sess., 174 (1969). The same is true for Justices. To assist the Justices in complying with these Canons, the Chief Justice has directed Court officers to undertake an examination of best practices, drawing in part on the experience of other federal and state courts. For example, some district courts and courts of appeals have deployed software to run automated recusal checks on new case filings. The Court will assess whether it needs additional resources in its Clerk's Office or Office of Legal Counsel to perform initial and ongoing review of recusal and other ethics issues. The Court will also consider whether amendments to its rules on the disclosure obligations of parties and counsel may be advisable. In regard to financial disclosure, the Justices will continue to seek guidance from the Office of Legal Counsel and the staff of the relevant Judicial Conference committees, including the Committee on Financial Disclosure, which reviews each Justice's annual filing for compliance with applicable laws and regulations. The Office of Legal Counsel will maintain specific guidance tailored to recurring ethics and financial disclosure issues and will continue to provide annual training on those issues to Justices, chambers staff, and other Court personnel.



# Key Document M

RICHARD J. DURBIN, ILLINOIS, CHAIR

SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE K. HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT  
LAPHONZA R. BUTLER, CALIFORNIA

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 23, 2024

The Honorable John G. Roberts, Jr.  
Chief Justice of the United States  
Supreme Court of the United States  
1 First Street NE  
Washington, DC 20543

Dear Chief Justice Roberts:

We write regarding recent *New York Times* reports that an upside-down American flag was displayed in Justice Samuel Alito's yard in January 2021 and another flag associated with the January 6th attack on the Capitol was flown at another of Justice Alito's residences in the summer of 2023.<sup>1</sup> For the following reasons, we urge you to immediately take appropriate steps to ensure that Justice Alito will recuse himself in any cases related to the 2020 presidential election and January 6th attack on the Capitol, including the question of former President Trump's immunity from prosecution for his role in the events of January 6th in *Trump v. United States*. We also renew our call for the Supreme Court to adopt an enforceable code of conduct for justices. And we request a meeting with you as soon as possible, in your capacity as Chief Justice and as presiding officer of the Judicial Conference of the United States, to discuss additional steps to address the Supreme Court's ethics crisis.

By displaying or permitting the display of prominent symbols of the "Stop the Steal" campaign outside his homes, Justice Alito clearly created an appearance of impropriety in violation of the *Code of Conduct for Justices of the Supreme Court of the United States* (hereinafter *Code of Conduct*) that all nine justices adopted last year. He also created reasonable doubt as to his impartiality in certain proceedings, thereby requiring his disqualification in those proceedings as established by the *Code of Conduct* and federal law.

According to photos and contemporaneous reports, the upside-down flag in front of Justice Alito's house was on display for several days in mid-January 2021, while an "Appeal to Heaven" flag was displayed outside another of Justice Alito's residences throughout July, August, and September 2023.<sup>2</sup> This was after these flags had been adopted as symbols of the "Stop the Steal" campaign to reject the results of the 2020 election and displayed by supporters

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<sup>1</sup> Jodi Kantor, *At Justice Alito's House, a 'Stop the Steal' Symbol on Display*, N.Y. TIMES (May 16, 2024), <https://www.nytimes.com/2024/05/16/us/justice-alito-upside-down-flag.html>; Jodi Kantor et al., *Another Provocative Flag Was Flown at Another Alito Home*, N.Y. TIMES (May 22, 2024), <https://www.nytimes.com/2024/05/22/us/justice-alito-flag-appeal-to-heaven.html>.

<sup>2</sup> *Id.*

of former President Trump when they attacked the Capitol on January 6, 2021.<sup>3</sup>

In a statement to the *New York Times*, Justice Alito said the upside-down flag was “placed by Mrs. Alito in response to a neighbor’s use of objectionable and personally insulting language on yard signs.”<sup>4</sup> Alito also spoke to *Fox News* about the incident and indicated that the flag was flown upside down partially in response to his neighbors’ display of political signage.<sup>5</sup> Justice Alito’s comments reflect both his knowledge of the upside-down flag’s display and his understanding of the display’s political significance. Justice Alito has provided no explanation for the display of the “Appeal to Heaven” flag.

The *Code of Conduct* provides that Supreme Court justices should avoid impropriety and the appearance of impropriety in all activities, specifying that “[a] Justice should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”<sup>6</sup> Furthermore, federal law requires the disqualification of a Supreme Court justice in any proceeding in which the justice’s impartiality might reasonably be questioned, and the *Code of Conduct* elaborates that “[a] Justice should disqualify himself or herself in a proceeding . . . where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties.”<sup>7</sup>

The Supreme Court also prohibits its employees from engaging in partisan political activity. That prohibition applies broadly to “political activity relating to elections contested by political parties.”<sup>8</sup> The Court’s guidance to staff expressly advises them not to “[p]ublicly support or oppose a partisan political organization or candidate.”<sup>9</sup> The *Code of Conduct* further states that a Supreme Court justice should refrain from political activity.<sup>10</sup>

By displaying the upside-down and “Appeal to Heaven” flags outside his homes, Justice Alito actively engaged in political activity, failed to avoid the appearance of impropriety, and failed to act in a manner that promotes public confidence in the impartiality of the judiciary. He also created reasonable doubt about his impartiality and his ability to fairly discharge his duties in cases related to the 2020 presidential election and January 6th attack on the Capitol. His recusal in these matters is both necessary and required.

These displays at Justice Alito’s homes are not the only recent instances of a Supreme Court justice’s failure to avoid impropriety and the appearance of impropriety. Although together the Court and the Judicial Conference have the ability and responsibility to enforce ethics rules

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<sup>3</sup> Justin Jouvenal & Ann E. Marimow, *Upside-Down Flag Flew at Justice Alito’s House After Neighbor Dispute*, WASH. POST (May 17, 2024, 5:25 P.M.), <https://www.washingtonpost.com/politics/2024/05/17/justice-samuel-alito-wife-upside-down-flag/>; Kantor et al., *supra* note 1.

<sup>4</sup> Kantor, *supra* note 1.

<sup>5</sup> Jodi Kantor & Abbie VanSickle, *Display at Alito’s Home Renews Questions of Supreme Court’s Impartiality*, N.Y. TIMES (May 17, 2024), <https://www.nytimes.com/2024/05/17/us/justice-alito-flag-reactions.html>.

<sup>6</sup> *Code of Conduct for Justices of the Sup. Ct. of the U.S.* (2023) [hereinafter *Code of Conduct*], Canon 2(A), [https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices\\_November\\_13\\_2023.pdf](https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf).

<sup>7</sup> 28 U.S.C. § 455(a); *Code of Conduct*, Canon 3(B)(2).

<sup>8</sup> Kantor, *supra* note 1.

<sup>9</sup> *Id.*

<sup>10</sup> *Code of Conduct*, Canon 5.

applicable to the justices, it remains unclear what actions—if any—the judiciary has taken in response to allegations and reporting on ethical misconduct by Supreme Court justices.

In 2023, Justice Alito granted interviews to the *Wall Street Journal* in which he opined on the constitutionality of legislation under consideration by the U.S. Senate.<sup>11</sup> The interviews were conducted in part by an attorney representing a friend of Justice Alito in relation to misconduct allegations involving Justice Alito. That attorney also had a case before the Supreme Court, yet Justice Alito refused to disqualify himself in that case.<sup>12</sup> It appears that no questions have even been asked by the Court about what appear to be self-evident transgressions.

Justice Thomas has repeatedly participated in cases relating to the January 6th attack on the Capitol and the alleged surrounding plot to overturn the 2020 election. His wife's involvement likely provided grounds for recusal under the federal recusal law, but it appears that the Court has failed to ask what the facts were—particularly the critical facts as to what Justice Thomas knew about his wife's interactions with alleged participants and when he knew it. Justice Thomas also apparently failed to disclose an incident of forgiveness of a significant debt, which is by law income both under the judicial disclosure requirements and the federal tax code. It is not clear at this point that the Judicial Conference is establishing the facts in a proper way as to whether violations were committed of tax, false statement, and disclosure laws—despite a law that seems to give the Conference clear guidance, and considerable precedent, in cases involving other government officials.

The rule of law is founded on elemental propositions, including the collection of evidence by investigators without an interest in the subject of investigation and the use in the investigation of statements whose falsity would be sanctionable. The rule of law is also founded on the ancient principle *nemo judex in sua causa*—the idea that no one is judge in their own case. For centuries, Supreme Court justices conducted themselves in such a way that the absence of proper procedures consistent with these principles was a moot failing. That is no longer true. The Court's *Code of Conduct* has failed to redress or prevent any of these ethics violations, largely because it contains no enforcement mechanism. Both the Court and the Judicial Conference appear to have failed to even investigate allegations of ethics violations by Supreme Court justices, much less provide any findings or sanctions.

We therefore call for Justice Alito to recuse himself from certain proceedings as outlined above, renew our call for the Supreme Court to adopt an enforceable code of conduct for Supreme Court justices, and request a meeting with you as soon as possible. Until the Court and the Judicial Conference take meaningful action to address this ongoing ethical crisis, we will continue our efforts to enact legislation to resolve this crisis.

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<sup>11</sup> David B. Rivkin & James Taranto, *Samuel Alito, the Supreme Court's Plain-Spoken Defender*, WALL ST. J. (Jul. 28, 2023), <https://www.wsj.com/articles/samuel-alito-the-supreme-courts-plain-spoken-defender-precedent-ethics-originalism-5e3e9a7>.

<sup>12</sup> *Moore v. United States*, 600 U.S. \_\_\_\_ (Sept. 8, 2023) (statement of Alito, J.), [https://www.supremecourt.gov/opinions/22pdf/22-800\\_1an2.pdf](https://www.supremecourt.gov/opinions/22pdf/22-800_1an2.pdf).

Thank you for your prompt attention to this important matter.

Sincerely,



Sheldon Whitehouse  
United States Senator  
Chairman, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights



Richard J. Durbin  
United States Senator  
Chair, Senate Committee on  
the Judiciary

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

Key Document N

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE SAMUEL A. ALITO, JR.

May 29, 2024

Hon. Richard J. Durbin  
Hon. Sheldon Whitehouse  
United States Senate  
Washington, D. C. 20510

Dear Senators Durbin and Whitehouse:

This is in response to your letter of May 23 to the Chief Justice requesting that he take steps to ensure that I recuse in *Trump v. United States*, No. 23-939, and any other cases “related to the 2020 presidential election” or “the January 6th attack on the Capitol.”<sup>1</sup> As the Court has pointed out, “[i]ndividual Justices, rather than the Court, decide recusal issues.”<sup>2</sup> I am therefore responding directly to your letter. In it, you claim that two incidents involving the flying of flags created an appearance of impropriety that requires my recusal.

The applicable provision of our Code of Conduct states as follows:

“B. DISQUALIFICATION.

- (1) A Justice is presumed impartial and has an obligation to sit unless disqualified.
- (2) A Justice should disqualify himself or herself in a proceeding in which the Justice’s impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties.” Code of Conduct for Justices of the Supreme Court of the United States, Canon 3(B)(1)–(2).

The two incidents you cite do not meet the conditions for recusal set out in (B)(2), and I therefore have an obligation to sit under (B)(1).

The first incident cited in your letter concerns the flying of an upside-down American flag outside the house in Virginia where my wife and I reside. In

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<sup>1</sup> Letter from R. Durbin & S. Whitehouse to C. J. Roberts (May 23, 2024).

<sup>2</sup> Attachment to letter from THE CHIEF JUSTICE to R. Durbin (Apr. 25, 2023); Commentary to Code of Conduct for Justices of the Supreme Court of the United States 11 (Nov. 13, 2023).

considering whether this event requires recusal, an unbiased and reasonable person would take into account the following facts. As I have stated publicly, I had nothing whatsoever to do with the flying of that flag. I was not even aware of the upside-down flag until it was called to my attention. As soon as I saw it, I asked my wife to take it down, but for several days, she refused.

My wife and I own our Virginia home jointly. She therefore has the legal right to use the property as she sees fit, and there were no additional steps that I could have taken to have the flag taken down more promptly.

My wife's reasons for flying the flag are not relevant for present purposes, but I note that she was greatly distressed at the time due, in large part, to a very nasty neighborhood dispute in which I had no involvement. A house on the street displayed a sign attacking her personally, and a man who was living in the house at the time trailed her all the way down the street and berated her in my presence using foul language, including what I regard as the vilest epithet that can be addressed to a woman.

My wife is a private citizen, and she possesses the same First Amendment rights as every other American. She makes her own decisions, and I have always respected her right to do so. She has made many sacrifices to accommodate my service on the Supreme Court, including the insult of having to endure numerous, loud, obscene, and personally insulting protests in front of our home that continue to this day and now threaten to escalate.

I am confident that a reasonable person who is not motivated by political or ideological considerations or a desire to affect the outcome of Supreme Court cases would conclude that the events recounted above do not meet the applicable standard for recusal. I am therefore required to reject your request.

The second incident concerns a flag bearing the legend "An Appeal to Heaven" that flew in the backyard of our vacation home in the summer of 2023. I recall that my wife did fly that flag for some period of time, but I do not remember how long it flew. And what is most relevant here, I had no involvement in the decision to fly that flag.

My wife is fond of flying flags. I am not. My wife was solely responsible for having flagpoles put up at our residence and our vacation home and has flown a wide variety of flags over the years. In addition to the American flag, she has flown other patriotic flags (including a favorite flag thanking veterans), college flags, flags supporting sports teams, state and local flags, flags of nations from which the ancestors of family members came, flags of places we have visited, seasonal flags, and religious flags. I was not familiar with the "Appeal to Heaven" flag when my wife flew it. She may have mentioned that it dates back to the American Revolution, and I assumed she was flying it to express a religious and patriotic message. I was not aware of any connection between this historic flag and the "Stop the Steal Movement,"



and neither was my wife. She did not fly it to associate herself with that or any other group, and the use of an old historic flag by a new group does not necessarily drain that flag of all other meanings.

As I said in reference to the other flag event, my wife is an independently minded private citizen. She makes her own decisions, and I honor her right to do so. Our vacation home was purchased with money she inherited from her parents and is titled in her name. It is a place, away from Washington, where she should be able to relax.

A reasonable person who is not motivated by political or ideological considerations or a desire to affect the outcome of Supreme Court cases would conclude that this event does not meet the applicable standard for recusal. I am therefore duty-bound to reject your recusal request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Lee", followed by a stylized flourish or mark.

# Key Document O

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

May 30, 2024

Honorable Richard J. Durbin  
Honorable Sheldon Whitehouse  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Durbin and Senator Whitehouse:

Thank you for your letter of May 23, 2024.

In regard to questions concerning any Justice's participation in pending cases, the Members of the Supreme Court recently reaffirmed the practice we have followed for 235 years pursuant to which individual Justices decide recusal issues. See Commentary to Code of Conduct for Justices of the Supreme Court of the United States at 11 (Nov. 13, 2023); Statement on Ethics Principles and Practices at 2 (Apr. 25, 2023). It is my understanding that Justice Alito has sent you a letter addressing this subject.

I must respectfully decline your request for a meeting. As noted in my letter to Chairman Durbin last April, apart from ceremonial events, only on rare occasions in our Nation's history has a sitting Chief Justice met with legislators, even in a public setting (such as a Committee hearing) with members of both major political parties present. Separation of powers concerns and the importance of preserving judicial independence counsel against such appearances. Moreover, the format proposed – a meeting with leaders of only one party who have expressed an interest in matters currently pending before the Court – simply underscores that participating in such a meeting would be inadvisable.

Respectfully,



cc: Honorable Lindsay O. Graham  
Honorable John N. Kennedy

# Key Document P



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

HONORABLE ROBERT J. CONRAD, JR.  
Director

WASHINGTON, D.C. 20544

August 2, 2024

Honorable Richard J. Durbin  
Chair  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Honorable Lindsey Graham  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Honorable Chris Van Hollen  
Chair  
Subcommittee on Financial Services  
and General Government  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Honorable Bill Hagerty  
Ranking Member  
Subcommittee on Financial Services  
and General Government  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chair Durbin, Chair Van Hollen, Senator Graham, and Senator Hagerty:

The Judiciary is committed to providing a workplace that promotes respect, civility, fairness, and dignity, free of discrimination and harassment. Keys to our success in that effort include (a) the trust of Judiciary employees in the policies which provide workplace protections; (b) their confidence in the integrity of our system, procedures, and staff – including opportunities to report and correct inappropriate workplace conduct; and (c) their willingness to participate in them. Accurate information as to workplace conduct reforms, policies, procedures, and available avenues to report and resolve employment disputes is necessary for the effective functioning of this critical system.

A barrier to success is the misperception that Judiciary employees lack enforceable protections or that our system is not effective in addressing workplace misconduct. I am concerned that recent public comments in this vein, repeated in the media and elsewhere, might lead Judiciary employees, policymakers, and the public to incorrect conclusions; could increase the possibility that potential misconduct might go unreported and unaddressed; or might lead to ineffective or counterproductive legislative reforms. Accordingly, I write to inform all interested parties – Judiciary employees, policymakers, media interests, and the public – of the workplace protections provided and recourse available to all Judiciary employees. A more thorough discussion of [Workplace](#)

Honorable Richard J. Durbin  
Honorable Lindsey Graham  
Honorable Chris Van Hollen  
Honorable Bill Hagerty  
Page 2

[Conduct in the Federal Judiciary](#) and links to resources can be found on the Judiciary's public website at [uscourts.gov](https://uscourts.gov). A summary [Fact Sheet for Workplace Protections in the Federal Judiciary](#) can be accessed at that site.

Two recent independent assessments of the federal Judiciary's efforts to address workplace conduct issues recognize that we have made significant progress toward our goal of an exemplary workplace over the past six years. The Judiciary can and will continue to assess our progress and make improvements where needed, and these independent assessments highlighted some areas where our ongoing work can be productively focused.

### **Two recent, independent studies validate the Judiciary's progress.**

Members of Congress recently asked two outside entities to review the processes and procedures the Judiciary put in place to addressing workplace conduct issues. The Federal Judicial Center (FJC) and the National Academy of Public Administration (NAPA) published<sup>1</sup> a joint study on July 1, 2024, and the Government Accountability Office (GAO) published<sup>2</sup> a comprehensive report of its own on July 30, 2024.

The FJC/NAPA research team and the GAO audit team both identified significant aspects of our system that are in fact working, and validate that much of our approach has been successful. Among the successes identified, as well as improvements we have implemented, are the following:

- All Judiciary employees have substantive workplace protections. Notably, the GAO found “The protections that apply to Judiciary employees are similar to the statutory protections that apply to most federal employees.”<sup>3</sup> In fact, GAO confirmed that “Certain protections exceed those that apply to most other federal employees.”<sup>4</sup>
- Judiciary employees have procedural opportunities to address workplace concerns through Employment Dispute Resolution (EDR) Plans, which are

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<sup>1</sup> Federal Judicial Center and National Academy of Public Administration, *Enhancing Efforts to Coordinate Best Workplace Practices Across the Federal Judiciary* (2024). (“FJC/NAPA Study”)

<sup>2</sup> U.S. Gov't Accountability Office, *GAO-24-105638, Federal Judiciary: Additional Actions Would Strengthen Efforts to Prevent and Address Workplace Misconduct*. (“GAO Study”)

<sup>3</sup> GAO Study at p. 16 (emphasis added).

<sup>4</sup> Id. (emphasis added)

all based on a [Model EDR plan](#) promulgated at the national level. The FJC/NAPA study confirmed that all courts and Federal Public Defender Offices have adopted a locally applicable and enforceable version of the Model EDR Plans.<sup>5</sup>

- There are now both formal and informal avenues to seek redress – a change recommended to us by the Equal Employment Opportunity Commission (EEOC). The addition, in 2019, of “informal advice” as an option for resolution has significantly improved the ability to address workplace conduct issues. This option encourages employees to seek support or explore options before problems escalate.<sup>6</sup> Both studies found that this option is now the most highly utilized among the three EDR avenues for seeking resolution (the other two are assisted resolution and formal complaint).
- We have added a prohibition on “abusive conduct,” which goes beyond the protections afforded by statute to the rest of the federal workforce<sup>7</sup> and demonstrates our commitment to an exemplary workplace.
- Layers of reporting and opportunities for guidance were added at the national level through the Office of Judicial Integrity and at the circuit level through the [Directors of Workplace Conduct](#).<sup>8</sup>
- We have permanently committed substantially increased resources to address workplace conduct in the form of dedicated staff. Over a dozen high-level employees have been hired throughout the Judiciary whose sole focus and mission is coordinating, training, and advising on issues of workplace conduct.<sup>9</sup>
- Training was greatly expanded and is now provided by the national Office of Judicial Integrity, circuit Directors of Workplace Relations, and EDR

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<sup>5</sup> FJC/NAPA Study at p. v.

<sup>6</sup> FJC/NAPA Study at p. vi.

<sup>7</sup> See, e.g., GAO Study at p. 16, FJC/NAPA Study at p. vi.

<sup>8</sup> See, e.g., GAO Study at pp. 22-26, FJC/NAPA Study at pp. 37-41.

<sup>9</sup> See, e.g., GAO Study at pp. 16-17, FJC/NAPA Study at pp. 16-19.

coordinators in individual courts. This training is available for judges and all levels of employees.<sup>10</sup>

### **Our work to improve the Judiciary's workplace continues.**

A major finding from the GAO report is that the Judiciary's efforts generally align with practices established by the EEOC. Specifically, GAO found that the Judiciary was in at least partial alignment with all the EEOC's best practices it evaluated, and that we are fully aligned with most of them.<sup>11</sup> This was the intent of many of the changes<sup>12</sup> the Judiciary has implemented in the past few years, and we are happy to see GAO recognize our efforts. We appreciate recent statements by Members of Congress that the federal Judiciary is making strides on behalf of its more than 30,000 employees.

We agree with recent statements by Members of Congress that, in addition to the profound changes we have instituted in the last six years, there is still room for the Judiciary to make further improvements. We welcome the recommendations and suggestions of both FJC/NAPA and GAO, which we have already begun to review. For example, as we indicated to GAO, we are taking a serious look at remaining areas that may not fully align with the EEOC best practices. Those recommendations augment ongoing reviews and policy development by our Workplace Conduct Working Group and many others throughout our branch.

### **The Judiciary cooperated with GAO's study.**

The Administrative Office of the United States Courts (AO) coordinated with dozens of officials from independent court units around the country to respond to GAO's requests for information and documents relevant to the evaluation of Judiciary programs, in a manner consistent with the institutional and operational independence of the Judiciary and of GAO. In a timeframe largely consistent with normal agency response times, we provided tens of thousands of pages of documents, and dedicated many hundreds of hours to aggregating further information to GAO, in addition to facilitating the numerous interviews described below.

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<sup>10</sup> See, e.g., GAO Study at 50, FJC/NAPA Study at pp. 67-77.

<sup>11</sup> GAO Study at pp. 54-56.

<sup>12</sup> See Report of the Federal Judiciary Workplace Conduct Working Group to the Judicial Conference of the United States (June 1, 2018) at pp. 2-3.



Honorable Richard J. Durbin  
Honorable Lindsey Graham  
Honorable Chris Van Hollen  
Honorable Bill Hagerty  
Page 5

As the GAO report indicates, the AO facilitated interviews with two judges who serve as members of the Workplace Conduct Working Group, ten circuit Directors of Workplace Relations, many Administrative Office staff (some of whom were interviewed several times), and staff from the FJC and the U.S. Sentencing Commission. In addition, in response to GAO's requests for interviews to gain the employee perspective, the AO asked the circuit executives to identify employees possessing experience with a local workplace conduct committee. From that request, GAO auditors interviewed one current employee and one former court employee.

The AO appropriately declined GAO's request for the contact information of all 30,000 Judiciary employees to conduct a survey of those employees. As the GAO report indicates, the Judiciary planned to administer its own survey during the same time-period – and multiple surveys in the same time period would likely have reduced employee response rates, upon which we will critically rely to make further improvements.

The AO also appropriately declined GAO's request for contact information for Judiciary employees who utilized the EDR process. Doing so would have violated the significant and necessary confidentiality protections afforded to employees in the EDR process and would significantly undermine confidence in that process.

We intend to keep Congress informed about our continued progress and we anticipate that we will have further opportunities to share additional information with you. In addition, we would be happy to meet with you to discuss any areas of common interest or concern. In the meantime, if we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through our Office of Legislative Affairs at 202-502-1700.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Conrad, Jr.", with a stylized flourish at the end.

Robert J. Conrad, Jr.  
Director

cc: Honorable Mazie Hirono

# Key Document Q

Jud



THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

## JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

September 12, 2024

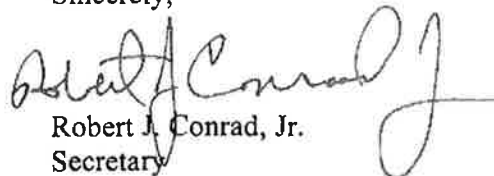
Honorable Mike Johnson  
Speaker  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

At a special session held on September 10, 2024, the Judicial Conference of the United States by its members present determined, upon recommendation of its Committee on Judicial Conduct and Disability, to transmit the enclosed Certificate and record of proceedings in a judicial misconduct matter to the House of Representatives in accordance with 28 U.S.C. § 355(b)(1).

The Certificate is a "determination" within the meaning of the following provision in section 355(b)(1): "Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House of Representatives shall make available to the public the determination and any reasons for the determination." The Judicial Conference will make no public statement on this matter, but will transmit the Certificate to the individual who is the subject of the determination and to the chair of the Judicial Council of the Ninth Circuit.

Sincerely,

  
Robert J. Conrad, Jr.  
Secretary

Enclosures

cc: Honorable Jim Jordan  
Honorable Jerrold Nadler



THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

## JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

### CERTIFICATE

TO THE SPEAKER, UNITED STATES HOUSE OF REPRESENTATIVES:

Pursuant to 28 U.S.C. § 355(b)(1), the Judicial Conference of the United States certifies to the House of Representatives its determination that consideration of impeachment of former United States District Judge Joshua M. Kindred (D. Alaska) may be warranted. This determination is based on evidence provided in the Report of the Special Committee to the Judicial Council of the Ninth Circuit and the unanimous Order and Certification of the Circuit Judicial Council.

The Constitution entrusts impeachment of public officials to Congress. But the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, creates a distinct role for the Judiciary in the impeachment process. The Act mandates a process through which the Judicial Conference and its members identify and investigate allegations of misconduct by judges. However, there may be considerations relevant to impeachment of other officers outside the Judicial Branch that are different from those faced by the Judiciary under the Act.

In a case with less egregious conduct, the Judicial Conference may decide that resignation obviates the need for certification. However, given the severity of the misconduct outlined below, together with a finding of dishonesty, the Judicial Conference believes that certification of this matter "to the House of Representatives for whatever action the House of Representatives considers to be necessary" is appropriate. 28 U.S.C. § 355(b)(1).

The Judicial Conference also recognizes that, given Judge Kindred's resignation, Congress may decline to pursue impeachment. In the event that the House of Representatives determines in its sound discretion that impeachment is not warranted, this certification may also serve as a public censure of Judge Kindred's reprehensible conduct, which has no doubt brought disrepute to the Judiciary and cannot constitute the "good behavior" required of a federal judge.

The determination is based on substantial evidence provided in the Order and Certification issued by the unanimous Ninth Circuit Judicial Council, that:

- (a) Judge Kindred created a hostile work environment for his law clerks by

TO THE SPEAKER, UNITED STATES HOUSE OF REPRESENTATIVES  
Page 2

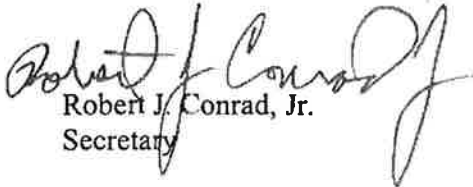
engaging in unwanted, offensive, and abusive sexual conduct, including sexual harassment, and treating the law clerks in a demonstrably egregious and hostile manner.

(b) Judge Kindred engaged in misconduct by having an inappropriately sexualized relationship with one of his law clerks during her clerkship and shortly after her clerkship while she practiced as an Assistant United States Attorney in the District of Alaska.

(c) Judge Kindred made false and misleading statements to the Chief Judge of the Ninth Circuit, the Special Committee, and the Judicial Council throughout these proceedings which impeded the judiciary's ability to conduct an efficient investigation. These false statements, in combination with the actions outlined in (a) and (b), contributed to the overall determination that Judge Kindred's conduct may constitute grounds for impeachment.

(d) The conduct described in (a)–(c) has individually and collectively brought disrepute to the federal Judiciary.

Executed this 10th day of September, 2024.

  
Robert J. Conrad, Jr.  
Secretary

# Key Document R

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

December 4, 2024

Mr. Paul D. Clement  
Clement & Murphy, PLLC  
706 Duke Street  
Alexandria, VA 22314

Mrs. Elizabeth B. Prelogar  
Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Mr. William McGinley Jay  
Goodwin Procter, LLP  
1900 N Street, N.W.  
Washington, DC 20036

Ms. Kirti Datla  
Earthjustice  
1001 G Street NW, Suite 1000  
Washington, DC 20001

Re: Seven County Infrastructure Coalition, et al.  
v. Eagle County, Colorado, et al.  
No. 23-975

Dear Counsel:

I am writing to inform you that, consistent with the Code of Conduct for Justices of the Supreme Court of the United States, Justice Gorsuch has determined that he will not continue to participate in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Harris", written in a cursive style.

**Scott S. Harris, Clerk**

# Appendix B



# Key Document A

# Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct  
Pt. D: Financial Disclosure

## Ch. 1: Overview

[§ 110 Introduction](#)

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## § 110 Introduction

Judicial officers and certain judicial employees are required to file financial disclosure reports by Title I of the Ethics in Government Act of 1978, Pub. L. No. 95-521, amended by the Ethics Reform Act of 1989, Pub. L. No. 101-194, 103 Stat. 1716, 5 U.S.C. app. §§ 101-111 (the Act). The Act enumerates the types of information required and prescribes the general format and procedures for the reports.

## § 120 Authority

The regulations in this volume are issued under the Act's authority. The Judicial Conference of the United States is responsible for compliance with, and implementation of, the Act by the federal judiciary (**see**: 5 U.S.C. app. § 111). In 1990 and 2017, the Conference delegated this authority to its Committee on Financial Disclosure, as authorized by the Act (**see**: JCUS-SEP 1990, p. 85; JCUS-SEP 2017, p. 13). In 2017, the Committee approved a revised set of financial disclosure regulations. The Committee has prescribed Form AO 10 for filing financial disclosure reports.

## § 130 Purpose

This volume supplements and implements Title I of the Act with respect to judicial officers and judicial employees, by providing more specifically the uniform procedures and requirements for the judiciary's financial disclosure system.

## **§ 140 Applicability**

This part of Volume 2 applies to all judicial officers and judicial employees required by the Act to file financial disclosure reports.

## **§ 150 In General**

- (a) Title I of the Act requires that designated federal officials disclose publicly their personal financial interests, to ensure confidence in the integrity of the federal government by demonstrating that they are able to carry out their duties without compromising the public trust.
- (b) Financial disclosure reports are not net-worth statements. Financial disclosure systems seek only the information that the judiciary has deemed relevant to the administration and application of conflict of interest laws, statutes on ethical conduct or financial interests, and regulations on standards of ethical conduct.
- (c) Nothing in the Act or these regulations requiring reporting of information or the filing of any report may be deemed to authorize:
  - receipt of income, honoraria, gifts, or reimbursements;
  - holding of assets, liabilities, or positions; or
  - involvement in transactions that are prohibited by law or regulation.

**See:** § 160, below.

- (d) The Administrative Office of the U.S. Courts (AO) is responsible for processing, maintaining, and releasing financial disclosure reports according to the statute and this part of Volume 2.
  - (1) As required by the statute, the reports are maintained for six years, after which they are destroyed unless needed in an ongoing investigation.
  - (2) For individuals who file a report as a nominee under Guide, Vol. 2D, § 210.20 and are not later confirmed by the Senate, such reports will be destroyed one year after the individual is no longer under consideration by the Senate, unless needed in an ongoing investigation.

## **§ 160 Relationship to Codes of Conduct**

- (a) This part of Volume 2 governs only the filing of financial disclosure reports.

- (b) The disclosure requirements and exemptions from disclosure contained in the Ethics in Government Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference or the statutory provisions for disqualification or recusal. **See:** Mandatory Conflict Screening Policy (Guide, Vol. 2C, Ch. 4).
- (c) Article III judges, bankruptcy judges, and magistrate judges are governed by the Code of Conduct for United States Judges (Guide, Vol. 2A, Ch. 2).
- (d) Judicial employees are governed by the Code of Conduct for Judicial Employees (Guide, Vol. 2A, Ch. 3).
- (e) Federal public defender employees are governed by the Code of Conduct for Federal Public Defender Employees (Guide, Vol. 2A, Ch. 4).
- (f) AO employees are governed by the Code of Conduct for Administrative Office Employees (*AO Manual*, Vol. 4, Ch. 2).

§ 170 Definitions	
Act	The Ethics in Government Act of 1978 (Pub. L. 95-521, as amended), as modified by the Ethics Reform Act of 1989 (Pub. L. 101-194, as amended).
Beneficial interest	In a trust, this means that the beneficiary has a right to receive an asset or the income from an asset but does not hold title to the asset itself.
Dependent child	When used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who is: <ul style="list-style-type: none"> <li>(1) unmarried, under age 21, and living in the household of the reporting individual; or</li> <li>(2) a dependent of the reporting individual within the meaning of 26 U.S.C. § 152.</li> </ul>
Designated agency ethics official	The Judicial Conference's Committee on Financial Disclosure, a subcommittee, or member of either, or counsel of either designated to administer the provisions of the Act and these regulations within the judiciary.
Excepted Investment Fund	An investment fund is an excepted investment fund if: <ul style="list-style-type: none"> <li>(1) it is widely held;</li> <li>(2) it is publicly traded or the assets of the fund are widely diversified; and</li> <li>(3) the reporting individual neither owns nor exercises control over nor has the ability to exercise control over the financial interests held by the fund.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>(1) Publicly traded mutual funds and exchange-traded funds (ETFs) registered</li> </ul>

## § 170 Definitions

	<p>with the Securities and Exchange Commission qualify as excepted investment funds.</p> <p>(2) Mutual funds and ETFs that qualify as an “excepted investment fund” for financial disclosure reporting also likely qualify as a “safe harbor” from a financial conflict of interest under the Code of Conduct for United States Judges with respect to assets held by the fund, but judges should evaluate all of their financial holdings for potential conflicts that may require disqualification. <b>See:</b> Canon 3C(1)(c), (3); Advisory Opinion No. 106 (“[I]nvestment in a mutual fund does not convey an ownership interest in the companies whose stock the fund holds”).</p> <p>(3) In a managed asset account (i.e., separately managed account), the individual investor owns (or has an ownership interest in) the assets within the account, but all or most investment and transaction decisions related to the account are within the discretion and control of an account manager. Such an account is not an excepted investment fund. A defined contribution plan (e.g., 401(k), IRA, 457(b), 403(b)) is also not an excepted investment fund since the contributor has an equity interest in the amounts deposited.</p>
Filer	Used interchangeably with “reporting individual,” and includes both judicial officers and judicial employees.
Gift	<p>A payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor, including food and beverages consumed in connection with a gift of overnight lodging.</p> <p><b>Note:</b> A gift does not include:</p> <ul style="list-style-type: none"> <li>(1) bequests and other forms of inheritance;</li> <li>(2) suitable mementos of a function honoring the reporting individual;</li> <li>(3) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States government, the District of Columbia, or a state or local government or its political subdivision;</li> <li>(4) food and beverages that are consumed without a gift of overnight lodging;</li> <li>(5) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; and</li> <li>(6) exclusions and exceptions as described in Guide, Vol. 2D, § 330.30 and § 330.40.</li> </ul>

<b>§ 170 Definitions</b>	
Honorarium	A payment of money or anything of value for an appearance, speech, or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the government) by an employee excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.
Income	<p>All monies, compensation, and wages from whatever source derived, whether or not they are taxable for federal income tax purposes (e.g., municipal bond interest). Generally, income means "gross income" as determined in conformity with the Internal Revenue Service principles at 26 CFR 1.61-1 through 1.61-15 and 1.61-21.</p> <p><b>Note:</b> It includes but is not limited to the following items:</p> <ul style="list-style-type: none"> <li>• earnings such as compensation for services, fees, commissions, salaries, wages, and similar items;</li> <li>• gross income derived from business (and net income if the individual elects to include it);</li> <li>• gains derived from dealings in property including capital gains (whether actually received or reinvested);</li> <li>• income from rental property, even if a profit is not realized;</li> <li>• interest;</li> <li>• rents;</li> <li>• royalties;</li> <li>• dividends;</li> <li>• annuities;</li> <li>• income from the investment portion of life insurance and endowment contracts;</li> <li>• pensions;</li> <li>• income from discharge of indebtedness;</li> <li>• distributive share of partnership income; and</li> <li>• income from an interest in an estate or trust.</li> </ul>
Judicial employee	<p>Any employee of the federal judiciary, of the Tax Court, of the United States Sentencing Commission, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who:</p> <ol style="list-style-type: none"> <li>(1) is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or</li> <li>(2) occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.</li> </ol>

§ 170 Definitions	
Judicial officer	Justices of the Supreme Court, judges of the United States courts of appeals, United States district courts (including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands), Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.
Marriage	Includes a same-sex marriage regardless of the filer's state of residency.
Personal hospitality of any individual	Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of or on property or facilities owned by that individual or his or her family.
Personal residence	Any real property used exclusively as a private dwelling by the filer or filer's spouse that is not rented during any portion of the reporting period.  <b>Note:</b> The term is not limited to one's domicile. Consequently, there may be more than one personal residence, including a vacation home.
Property	<ol style="list-style-type: none"> <li>(1) Any real estate (e.g., a personal residence, vacation home, rental holding, land, mineral or royalty interests);</li> <li>(2) Any possessions, objects, and goods (e.g., automobiles, furniture, paintings, coins, stamps); or</li> <li>(3) Any financial holdings (e.g., stocks, bonds, mutual funds, IRAs, 401K and other retirement accounts, education funds, bank accounts, certain life insurance policies).</li> </ol>
Reimbursement	Any payment or other thing of value received by the reporting individual (other than gifts, as defined above) to cover travel-related expenses of such individual, other than those that are: <ol style="list-style-type: none"> <li>(1) provided by the United States Government, the District of Columbia, or a state or local government or its political subdivision; or</li> <li>(2) required to be reported by the filer under 5 U.S.C. § 7342 (the Foreign Gifts and Decorations Act).</li> </ol>
Relative	An individual who is related to the filer, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the filer, and is deemed to include the future spouse of the filer.  <b>Note:</b> The term "relative" includes a same-sex spouse and those related to the spouse as described here.

§ 170 Definitions	
Reporting individual	Used interchangeably with “filer,” and includes both judicial officers and judicial employees.
Reviewing official	The Committee on Financial Disclosure, a subcommittee, or a member of either, or designated counsel and staff to the Committee.
Spouse	Includes a same-sex spouse regardless of the filer’s state of residency.
Value	<p>A good faith estimate of the fair market value if the exact value is neither known nor easily obtainable to the filer without undue hardship or expense.</p> <p><b>Note:</b> In the case of any interest in property, <b>see:</b> the alternative valuation options in Guide, Vol. 2D, § 315.60. For gifts and reimbursements, <b>see:</b> Guide, Vol. 2D, § 330.50.</p>



# **Guide to Judiciary Policy**

Vol. 2: Ethics and Judicial Conduct  
Pt. D: Financial Disclosure

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[§ 312 Types of Reportable Property](#)

[§ 315 Interests in Property](#)

[§ 315.10 Economic Entities \(Businesses and Partnerships\)](#)

[§ 315.20 Exceptions](#)

[§ 315.30 Identification of Assets](#)

[§ 315.40 Transactions](#)

[§ 315.50 Value Categories](#)

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[§ 320 Income](#)

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a personal residence. He or she must disclose the sale under this section and any capital gain realized on the sale under § 320.

- (3) A filer sells a ranch to his or her dependent child. The filer need not report the sale because it is a transaction between the reporting individual and a dependent child. However, any capital gain, except for that portion attributable to a personal residence, must be reported under § 320.
- (4) A filer sells an apartment building and realizes a loss of \$100,000. The filer must report the sale of the building under § 325 if the sale price of the property exceeds \$1,000. Since the sale did not result in a capital gain, the filer need not report any income from the sale under § 320.

## **§ 330 Gifts and Reimbursements**

### **§ 330.10 Gifts**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source, a brief description, and the value of all gifts aggregating more than \$415 in value that are received by the filer during the reporting period from any one source. For in-kind travel-related gifts, include travel locations, dates, and nature of expenses provided. (For exclusions, **see**: § 330.30.)

### **§ 330.20 Reimbursements**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source and a brief description (including travel locations, dates, and nature of expenses provided) of any travel-related reimbursements aggregating more than \$415 in value that are received by the filer from one source during the reporting period.

### **§ 330.30 Exclusions**

- (a) Reports need not contain any information about gifts and reimbursements to which the provisions of this section would otherwise apply that are received from relatives (as defined in Guide, Vol. 2D, § 170) or during a period in which the filer was not a judicial officer or judicial employee.
- (b) Any food, lodging, or entertainment received as “personal hospitality of any individual” (as defined in Guide, Vol. 2D, § 170) need not be reported. Certain exclusions are also specified in the definitions of gift and reimbursement in Guide, Vol. 2D, § 170.

## § 330.40 Aggregation Exception

- (a) Any gift or reimbursement with a fair market value of \$166 or less need not be aggregated for purposes of the reporting rules of this section.

(b) **Examples:**

- (1) A filer accepts a print, a pen and pencil set, and a letter opener from a community service organization that he or she has worked with solely in his or her private capacity. The filer determines, consistent with § 330.50, that these gifts are valued as follows:

- Gift 1 (print): \$240
- Gift 2 (pen and pencil set): \$185
- Gift 3 (letter opener): \$20

The filer must disclose gifts 1 and 2, since individually they exceed \$166 in value and together they aggregate more than \$415 in value from the same source. Gift 3 need not be aggregated, because its value does not exceed \$166.

- (2) A filer receives the following gifts from a single source:

- Gift 1 (dinner for two at a local restaurant): \$120
- Gift 2 (round-trip taxi fare to meet at the restaurant): \$25
- Gift 3 (dinner at friend's city residence): value uncertain
- Gift 4 (round-trip airline transportation and hotel accommodations to visit Epcot Center in Florida): \$420
- Gift 5 (weekend at friend's country home, including duck hunting and tennis match): value uncertain.

The filer need only disclose Gift 4. Gift 1 falls within the exclusion in § 170 (Gift) for food and beverages not consumed in connection with a gift of overnight lodging. Gifts 3 and 5 need not be disclosed because they fall within the exception for personal hospitality of an individual. Gift 2 need not be aggregated and reported, because its value does not exceed \$166.

- (3) An outside source provides free tickets for the filer and his or her spouse to attend an awards banquet at a local club. The value of the tickets exceeds the minimum reporting threshold. Even though this is a gift that exceeds the threshold amount for disclosure, the official need not report it, because of the exclusion in the definition of "gift" in § 170 (Gift) for food and beverages not consumed in connection with a gift of overnight lodging.

**Note:** Before accepting this gift of tickets, the individual should consult an ethics official at his or her agency to determine whether standards of conduct rules will permit acceptance, depending on:

- whether or not the donor is a prohibited source,
- the exact nature of the event, and
- whether the tickets were given because of the filer's official position.

- (4) A filer is asked to speak at an out-of-town meeting on a matter that is unrelated to his or her official duties and the judiciary. The round-trip airfare exceeds the minimum reporting threshold. Regardless of whether the filer pays for the ticket and is then reimbursed by the organization to which he or she spoke, or the organization provided the ticket, the filer should disclose the information under § 330.20.

### § 330.50 Value of Gifts and Reimbursements

- (a) The value to be assigned to a gift or reimbursement is its fair market value.
- (b) For most reimbursements, this will be the amount actually received.
- (c) For gifts, the value should be determined using one of the following means:
- (1) if the gift has been newly purchased or is readily available in the market, the value should be its retail price (the filer need not contact the donor, but may contact a retail establishment selling similar items to determine the present cost in the market); or
- (2) if the item is not readily available in the market, such as a piece of art, a handmade item, or an antique, the filer may make a good faith estimate of the value of the item.

**Note:** "Readily available in the market" means that an item generally is available for retail purchase in the metropolitan area nearest to the filer's residence or from an internet retailer.

- (d) **Example:** Items such as a pen and pencil set, letter opener, leather case, or engraved pen are generally available in the market and can be determined by contacting stores that sell like items or researching retail prices on the internet and ascertaining the retail price of each.

**Note:** The market value of a ticket entitling the holder to attend an event that includes food, refreshments, entertainment, or other benefits is the face value of the ticket, which may exceed the actual cost of the food and other benefits. The value of food and beverages (which may be excludable under the definition of “gift” in Guide, Vol. 2D, § 170) may be determined by:

- making a good faith estimate, or
- determining their actual cost from the caterer, restaurant, or similar source.

### § 330.60 Waiver Rule in the Case of Certain Gifts

- (a) In unusual cases, the value of a gift as defined in Guide, Vol. 2D, § 170 need not be aggregated for reporting threshold purposes under this section and, therefore, the gift need not be reported if the Committee receives a written request for and issues a waiver, after determining that:
- (1) both the basis of the relationship between the grantor and the grantee and the motivation behind the gift are personal; and
  - (2) no countervailing public purpose requires public disclosure of the nature, source, and value of the gift.
- (b) Any determination by the Committee that a filer does or does not have to report a gift under this section is not a determination that the filer may properly accept the gift under the appropriate Code of Conduct for the filer or any other applicable ethics statute or regulation (**see:** Guide, Vol. 2D, § 160).
- (c) **Example:** A filer and his or her spouse receive the following two wedding gifts:
- Gift 1: A crystal decanter valued at \$485 from the filer’s former college roommate and lifelong friend, who is a real estate broker.
  - Gift 2: A gift of a print valued at \$550 from a business partner of the spouse, who owns a catering company.

Under these circumstances, the Committee may grant a request for a waiver of the requirement to report each of these gifts.

# Key Document B

# Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct  
Pt. D: Financial Disclosure

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Honorarium	A payment of money or anything of value for an appearance, speech, or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the government) by an employee excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.
Income	<p>All monies, compensation, and wages derived from whatever source, whether or not taxable for federal income tax purposes (e.g., municipal bond interest). Generally, income means "gross income" as determined under the Internal Revenue Service principles at <a href="#">26 CFR 1.61-1 through 1.61-15</a> and <a href="#">1.61-21</a>.</p> <p><b>Note:</b> It includes but is not limited to the following items:</p> <ul style="list-style-type: none"> <li>• earnings such as compensation for services, fees, commissions, salaries, wages, and similar items;</li> <li>• gross income derived from business (and net income if the individual elects to include it);</li> <li>• gains derived from dealings in property including capital gains (whether actually received or reinvested);</li> <li>• income from rental property, even if a profit is not realized;</li> <li>• interest;</li> <li>• rents;</li> <li>• royalties;</li> <li>• dividends;</li> <li>• annuities;</li> <li>• income from the investment portion of life insurance and endowment contracts;</li> <li>• pensions;</li> <li>• income from discharge of indebtedness;</li> <li>• distributive share of partnership income; and</li> <li>• income from an interest in an estate or trust.</li> </ul>
Judicial employee	<p>Any employee of the federal judiciary (including the United States Sentencing Commission and Court of Federal Claims), Tax Court, Court of Appeals for Veterans Claims, or Court of Appeals for the Armed Forces who:</p> <p>(1) is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or</p> <p>(2) occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.</p> <p><b>See:</b> Ethics in Government Act of 1978, as amended, <a href="#">5 U.S.C. app § 109(8)</a>.</p>

<b>§ 170 Definitions</b>	
Judicial officer	Justices of the Supreme Court, judges of the United States courts of appeals, United States district courts (including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands), Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.
Marriage	Includes a same-sex marriage regardless of the filer's state of residency.
Personal hospitality of any individual	<p>Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.</p> <p><b>Notes:</b></p> <p>(1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:</p> <ul style="list-style-type: none"> <li>• gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;</li> <li>• gifts extended for a business purpose;</li> <li>• gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family;</li> <li>• gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or</li> <li>• gifts extended at a commercial property, e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose.</li> </ul> <p>(2) A judicial officer or employee is not permitted to solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judge's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference's regulations. <b>See:</b> <a href="#">5 U.S.C. § 7353</a>; Guide, Vol. 2C, Ch.6.</p>
Personal residence	Any real property used exclusively as a private dwelling by the filer or filer's spouse that is not rented during any portion of the reporting period.

<b>§ 170 Definitions</b>	
	<b>Note:</b> The term is not limited to one's domicile. Consequently, there may be more than one personal residence, including a vacation home.
Property	<p>(1) Any real estate (e.g., a personal residence, vacation home, rental holding, land, mineral or royalty interests);</p> <p>(2) Any possessions, objects, and goods (e.g., automobiles, furniture, paintings, coins, stamps); or</p> <p>(3) Any financial holdings (e.g., stocks, bonds, mutual funds, IRAs, 401K and other retirement accounts, education funds, bank accounts, certain life insurance policies).</p>
Reimbursement	<p>Any payment or other thing of value received by the reporting individual (other than gifts, as defined above) to cover travel-related expenses of such individual, other than those that are:</p> <p>(1) provided by the United States Government, the District of Columbia, or a state or local government or its political subdivision; or</p> <p>(2) required to be reported by the filer under <a href="#">5 U.S.C. § 7342 (codifying the Foreign Gifts and Decorations Act)</a>.</p>
Relative	<p>An individual who is related to the filer, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the filer, and is deemed to include the future spouse of the filer.</p> <p><b>Note:</b> The term "relative" includes a same-sex spouse and those related to the spouse as described here.</p>
Reporting individual	Used interchangeably with "filer," and includes both judicial officers and judicial employees.
Reviewing official	The Committee on Financial Disclosure, a subcommittee, or a member of either, or designated counsel and staff to the Committee.
Spouse	Includes a same-sex spouse regardless of the filer's state of residency.
Value	<p>A good faith estimate of the fair market value if the exact value is neither known nor easily obtainable to the filer without undue hardship or expense.</p> <p><b>Note:</b> For any interest in property, <b>see:</b> alternative valuation options in Guide, Vol. 2D, § 315.60. For gifts and reimbursements, <b>see:</b> Guide, Vol. 2D, § 330.50.</p>

# **Guide to Judiciary Policy**

Vol. 2: Ethics and Judicial Conduct  
Pt. D: Financial Disclosure

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- (2) A filer sells his or her beach home for \$50,000. Because the filer has rented it out for one month every summer, it does not qualify as a personal residence. He or she must disclose the sale under this section and any capital gain realized on the sale under [§ 320](#).
- (3) A filer sells a ranch to his or her dependent child. The filer need not report the sale because it is a transaction between the reporting individual and a dependent child. However, any capital gain, except for that portion attributable to a personal residence, must be reported under [§ 320](#).
- (4) A filer sells an apartment building and realizes a loss of \$100,000. The filer must report the sale of the building under § 325 if the sale price of the property exceeds \$1,000. Since the sale did not result in a capital gain, the filer need not report any income from the sale under [§ 320](#).

## **§ 330 Gifts and Reimbursements**

### **§ 330.10 Gifts**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source, a brief description, and the value of all gifts aggregating more than \$415 in value that are received by the filer during the reporting period from any one source. For in-kind travel-related gifts, include travel locations, dates, and nature of expenses provided. (For exclusions, **see:** [§ 330.30](#).)

### **§ 330.20 Reimbursements**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source and a brief description (including travel locations, dates, and nature of expenses provided) of any travel-related reimbursements aggregating more than \$415 in value that are received by the filer from one source during the reporting period.

### **§ 330.30 Exclusions**

- (a) Reports need not contain any information about gifts and reimbursements to which the provisions of this section would otherwise apply that are received from relatives (as defined in Guide, Vol. 2D, § 170) or during a period in which the filer was not a judicial officer or judicial employee.
- (b) Any food, lodging, or entertainment received as “personal hospitality of any individual” (as defined in Guide, Vol. 2D, § 170) need not be reported.

Certain exclusions are also specified in the definitions of gift and reimbursement in Guide, Vol. 2D, § 170.

### **§ 330.40 Aggregation Exception**

(a) Any gift or reimbursement with a fair market value of \$166 or less need not be aggregated for purposes of the reporting rules of this section.

(b) Examples:

(1) A filer accepts a print, a pen and pencil set, and a letter opener from a community service organization that he or she has worked with solely in his or her private capacity. The filer determines, consistent with § 330.50, that these gifts are valued as follows:

- Gift 1 (print): \$240
- Gift 2 (pen and pencil set): \$185
- Gift 3 (letter opener): \$20

The filer must disclose gifts 1 and 2, since individually they exceed \$166 in value and together they aggregate more than \$415 in value from the same source. Gift 3 need not be aggregated, because its value does not exceed \$166.

(2) A filer receives the following gifts from a single source:

- Gift 1 (dinner for two at a local restaurant): \$120
- Gift 2 (round-trip taxi fare to meet at the restaurant): \$25
- Gift 3 (dinner at friend's city residence): value uncertain
- Gift 4 (round-trip airline transportation and hotel accommodations to visit Epcot Center in Florida): \$420
- Gift 5 (weekend at friend's country home, including duck hunting and tennis match): value uncertain.

The filer need only disclose Gift 4. Gift 1 falls within the exclusion in § 170 (Gift) for food and beverages not consumed in connection with a gift of overnight lodging. Gifts 3 and 5 need not be disclosed because they fall within the exception for personal hospitality of an individual. Gift 2 need not be aggregated and reported, because its value does not exceed \$166.

(3) An outside source provides free tickets for the filer and his or her spouse to attend an awards banquet at a local club. The value of the tickets exceeds the minimum reporting threshold. Even though this is a gift that exceeds the threshold amount for disclosure, the official need not report it, because of the exclusion in the definition



of “gift” in § 170 (Gift) for food and beverages not consumed in connection with a gift of overnight lodging.

**Note:** Before accepting this gift of tickets, the individual should consult an ethics official at his or her agency to determine whether standards of conduct rules will permit acceptance, depending on:

- whether or not the donor is a prohibited source,
- the exact nature of the event, and
- whether the tickets were given because of the filer’s official position.

- (4) A filer is asked to speak at an out-of-town meeting on a matter that is unrelated to his or her official duties and the judiciary. The round-trip airfare exceeds the minimum reporting threshold. Regardless of whether the filer pays for the ticket and is then reimbursed by the organization to which he or she spoke, or the organization provided the ticket, the filer should disclose the information under [§ 330.20](#).

### § 330.50 Value of Gifts and Reimbursements

- (a) The value to be assigned to a gift or reimbursement is its fair market value.
- (b) For most reimbursements, this will be the amount actually received.
- (c) For gifts, the value should be determined using one of the following means:
- (1) if the gift has been newly purchased or is readily available in the market, the value should be its retail price (the filer need not contact the donor, but may contact a retail establishment selling similar items to determine the present cost in the market); or
- (2) if the item is not readily available in the market, such as a piece of art, a handmade item, or an antique, the filer may make a good faith estimate of the value of the item.

**Note:** “Readily available in the market” means that an item generally is available for retail purchase in the metropolitan area nearest to the filer’s residence or from an internet retailer.

- (d) **Example:** Items such as a pen and pencil set, letter opener, leather case, or engraved pen are generally available in the market and can be

determined by contacting stores that sell like items or researching retail prices on the internet and ascertaining the retail price of each.

**Note:** The market value of a ticket entitling the holder to attend an event that includes food, refreshments, entertainment, or other benefits is the face value of the ticket, which may exceed the actual cost of the food and other benefits. The value of food and beverages (which may be excludable under the definition of “gift” in Guide, Vol. 2D, § 170) may be determined by:

- making a good faith estimate, or
- determining their actual cost from the caterer, restaurant, or similar source.

### **§ 330.60 Waiver Rule in the Case of Certain Gifts**

- (a) In unusual cases, the value of a gift as defined in Guide, Vol. 2D, § 170 need not be aggregated for reporting threshold purposes under this section and, therefore, the gift need not be reported if the Committee receives a written request for and issues a waiver. A waiver request must include the following:
- (1) A cover letter with the filer’s name and position and a request for a waiver under [5 U.S.C. app. § 102\(a\)\(2\)\(C\)](#); and
  - (2) An enclosure with:
    - (A) the identity and occupation of the donor;
    - (B) a description and estimated fair market value of the gift;
    - (C) a description of the relationship between the filer and the donor including whether the relationship and motivation for the gift are personal in nature;
    - (D) an explanation if the relationship or gift from the donor would require recusal;
    - (E) whether the gift was given to the filer because of an official position; and
    - (F) an explanation as to why there is no countervailing public purpose requiring public disclosure of the nature, source, and value of the gift.
- (b) The Committee may issue a waiver, after determining that:

- (1) both the basis of the relationship between the grantor and the grantee and the motivation behind the gift are personal; and
  - (2) no countervailing public purpose requires public disclosure of the nature, source, and value of the gift.
- (c) The date of any waiver request and grant issued under this section must be made publicly available as a note in Part VIII. Additional Information or Explanations on the filer's financial disclosure report.

**Example:** On March 1, 2018, a filer requests a gift reporting waiver. On April 14, 2018, the Committee issues a gift waiver to a filer. The filer must include a note on the applicable financial disclosure report that states that on March 1, 2018, the filer requested a gift reporting waiver, and that the Committee issued a waiver for reporting a gift on April 14, 2018 consistent with [5 U.S.C. app. § 102\(a\)\(2\)\(C\)](#).

- (d) Any determination by the Committee that a filer does or does not have to report a gift under this section is not a determination that the filer may properly accept the gift under the appropriate Code of Conduct for the filer or any other applicable ethics statute or regulation (**see:** Guide, Vol. 2D, § 160).

**Example:** A filer and his or her spouse receive the following two wedding gifts:

- Gift 1: A crystal decanter valued at \$485 from the filer's former college roommate and lifelong friend, who is a real estate broker.
- Gift 2: A gift of a print valued at \$550 from a business partner of the spouse, who owns a catering company.

Under these circumstances, the Committee may grant a request for a waiver of the requirement to report each of these gifts.

## § 335 Liabilities

### § 335.10 Generally

- (a) Each financial disclosure report filed must identify and include a brief description of the filer's liabilities over \$10,000 owed to any creditor at any time during the reporting period, and the name of the creditors to whom such liabilities are owed.

# Key Document C





## Judiciary Policy Update: Ethics

You have asked to be notified of updates to Judiciary ethics policy.

[Code of Conduct for Federal Public Defender Employees](#): The Judicial Conference of the United States this week approved an amendment clarifying that this Code applies to interns, externs, and other volunteers who work in federal public defender offices

[Outside Earned Income, Honoraria, and Employment](#): The Judicial Conference amended these regulations based on recent statutory changes. Specifically, citations to the Ethics Reform Act of 1989 were updated to reflect a recodification of that statute and permit United States Tax Court judges who retire on disability or who become a “senior judge” to exclude compensation for approved teaching from the limitation on outside earned income. Previously, only Article III judges who retired due to a disability or took senior status were permitted to exclude compensation for approved teaching from the outside earned income limitation.

[Financial Disclosure](#): The Judicial Conference's Committee on Financial Disclosure in January approved an update to Chapter 3 (Report Contents) to reflect past statutory changes more clearly and help ensure complete reporting of gifts and reimbursements consistent with statutory requirements. The revisions to § 330 (Gifts and Reimbursements), which apply to any reports filed after March 12, 2024:

- require filers to disclose travel-related gifts and their values—rather than reporting such gifts as reimbursements—consistent with the Act’s requirements;
- provide guidance to filers on how to value gifts of travel;
- clarify that the personal hospitality exception to the Act’s reporting requirements applies to gifts, including travel-related gifts, but not to reimbursements; and
- clarify that the “aggregation rule” (under which gifts valued under \$192 from a single source need not be aggregated in determining whether all gifts from that single source exceed the minimal value) does not apply to reimbursements.

# Key Document D

# Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct  
Pt. D: Financial Disclosure

## Ch. 1: Overview

[§ 110 Introduction](#)

[§ 120 Authority](#)

[§ 130 Purpose](#)

[§ 140 Applicability](#)

[§ 150 In General](#)

[§ 160 Relationship to Codes of Conduct](#)

[§ 170 Definitions](#)

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## § 110 Introduction

Judicial officers and certain judicial employees are required to file financial disclosure reports by Title I of the Ethics in Government Act of 1978, Pub. L. No. 95-521, amended by the Ethics Reform Act of 1989, Pub. L. No. 101-194, 103 Stat. 1716, [5 U.S.C. app. §§ 101-111](#) (the Act). The Act enumerates the types of information required and prescribes the general format and procedures for the reports.

## § 120 Authority

The regulations in this volume are issued under the Act's authority. The Judicial Conference of the United States is responsible for compliance with, and implementation of, the Act by the federal judiciary (**see:** [5 U.S.C. app. § 111](#)). In 1990 and 2017, the Conference delegated this authority to its Committee on Financial Disclosure, as authorized by the Act (**see:** [JCUS-SEP 1990](#), p. 85; [JCUS-SEP 2017](#), p. 13). In 2017, the Committee approved a revised set of financial disclosure regulations. The Committee has prescribed Form AO 10 for filing financial disclosure reports.

## § 130 Purpose

This volume supplements and implements Title I of the Act with respect to judicial officers and judicial employees, by providing more specifically the uniform procedures and requirements for the judiciary's financial disclosure system.

## **§ 140 Applicability**

This part of Volume 2 applies to all judicial officers and judicial employees required by the Act to file financial disclosure reports.

## **§ 150 In General**

- (a) Title I of the Act requires that designated federal officials disclose publicly their personal financial interests, to ensure confidence in the integrity of the federal government by demonstrating that they are able to carry out their duties without compromising the public trust.
- (b) Financial disclosure reports are not net-worth statements. Financial disclosure systems seek only the information that the judiciary has deemed relevant to the administration and application of conflict-of-interest laws, statutes on ethical conduct or financial interests, and regulations on standards of ethical conduct.
- (c) Nothing in the Act or these regulations requiring reporting of information or the filing of any report may be deemed to authorize:
  - receipt of income, honoraria, gifts, or reimbursements;
  - holding of assets, liabilities, or positions; or
  - involvement in transactions that are prohibited by law or regulation.

**See:** § 160, below.

- (d) The Administrative Office of the U.S. Courts (AO) is responsible for processing, maintaining, and releasing financial disclosure reports according to the statute and this part of Volume 2.
  - (1) As required by the statute, the reports are maintained for six years, after which they are destroyed unless needed in an ongoing investigation.
  - (2) For individuals who file a report as a nominee under Guide, Vol. 2D, § 210.20 and are not later confirmed by the Senate, such reports will be destroyed one year after the individual is no longer under consideration by the Senate, unless needed in an ongoing investigation.

## **§ 160 Relationship to Codes of Conduct**

- (a) This part of Volume 2 governs only the filing of financial disclosure reports.



- (b) The disclosure requirements and exemptions from disclosure contained in the Ethics in Government Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference or the statutory provisions for disqualification or recusal. **See:** Mandatory Conflict Screening Policy (Guide, Vol. 2C, Ch. 4).
- (c) Article III judges, bankruptcy judges, and magistrate judges are governed by the [Code of Conduct for United States Judges \(Guide, Vol. 2A, Ch. 2\)](#).
- (d) Judicial employees are governed by the [Code of Conduct for Judicial Employees \(Guide, Vol. 2A, Ch. 3\)](#).
- (e) Federal public defender employees are governed by the [Code of Conduct for Federal Public Defender Employees \(Guide, Vol. 2A, Ch. 4\)](#).
- (f) AO employees are governed by the Code of Conduct for Administrative Office Employees (*AO Manual*, Vol. 4, Ch. 2).

<b>§ 170 Definitions</b>	
Act	The <a href="#">Ethics in Government Act of 1978</a> (Pub. L. 95-521, as amended), as modified by the <a href="#">Ethics Reform Act of 1989</a> (Pub. L. 101-194, as amended).
Beneficial interest	In a trust, this means that the beneficiary has a right to receive an asset or the income from an asset but does not hold title to the asset itself.
Dependent child	When used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who is: <ul style="list-style-type: none"> <li>(1) unmarried, under age 21, and living in the household of the reporting individual; or</li> <li>(2) a dependent of the reporting individual within the meaning of <a href="#">26 U.S.C. § 152</a>.</li> </ul>
Designated agency ethics official	The Judicial Conference's Committee on Financial Disclosure, a subcommittee, or member of either, or counsel of either designated to administer the provisions of the Act and these regulations within the judiciary.
Excepted Investment Fund	An investment fund is an excepted investment fund if: <ul style="list-style-type: none"> <li>(1) it is widely held;</li> <li>(2) it is publicly traded or the assets of the fund are widely diversified; and</li> <li>(3) the reporting individual neither owns nor exercises control over nor has the ability to exercise control over the financial interests held by the fund.</li> </ul>

## § 170 Definitions

	<p><b>Note:</b></p> <p>(1) Publicly traded mutual funds and exchange-traded funds (ETFs) registered with the Securities and Exchange Commission qualify as excepted investment funds.</p> <p>(2) Mutual funds and ETFs that qualify as an “excepted investment fund” for financial disclosure reporting also likely qualify as a “safe harbor” from a financial conflict of interest under the <a href="#">Code of Conduct for United States Judges</a> with respect to assets held by the fund, but judges should evaluate all of their financial holdings for potential conflicts that may require disqualification. <b>See:</b> <a href="#">Canon 3C(1)(c), (3)</a>; Guide, Vol. 2B, Ch. 2 (Published Advisory Opinions), Advisory Opinion No. 106 (“[I]nvestment in a mutual fund does not convey an ownership interest in the companies whose stock the fund holds”).</p> <p>(3) In a managed asset account (i.e., separately managed account), the individual investor owns (or has an ownership interest in) the assets within the account, but all or most investment and transaction decisions related to the account are within the discretion and control of an account manager. Such an account is not an excepted investment fund. A defined contribution plan (e.g., 401(k), IRA, 457(b), 403(b)) is also not an excepted investment fund since the contributor has an equity interest in the amounts deposited.</p>
Filer	Used interchangeably with “reporting individual,” and includes both judicial officers and judicial employees.
Gift	<p>A payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor, including food and beverages consumed in connection with a gift of overnight lodging.</p> <p><b>Note:</b> A gift does not include:</p> <p>(1) bequests and other forms of inheritance;</p> <p>(2) suitable mementos of a function honoring the reporting individual;</p> <p>(3) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States government, the District of Columbia, or a state or local government or its political subdivision;</p> <p>(4) food and beverages that are consumed without a gift of overnight lodging;</p> <p>(5) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; and</p> <p>(6) exclusions and exceptions as described in Guide, Vol. 2D, § 330.30 and § 330.40.</p>

## § 170 Definitions

Honorarium	<p>A payment of money or anything of value for an appearance, speech, or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the government) by an employee excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.</p>
Income	<p>All monies, compensation, and wages derived from whatever source, whether or not taxable for federal income tax purposes (e.g., municipal bond interest). Generally, income means "gross income" as determined under the Internal Revenue Service principles at <a href="#">26 CFR 1.61-1 through 1.61-15</a> and <a href="#">1.61-21</a>.</p> <p><b>Note:</b> It includes but is not limited to the following items:</p> <ul style="list-style-type: none"> <li>• earnings such as compensation for services, fees, commissions, salaries, wages, and similar items;</li> <li>• gross income derived from business (and net income if the individual elects to include it);</li> <li>• gains derived from dealings in property including capital gains (whether actually received or reinvested);</li> <li>• income from rental property, even if a profit is not realized;</li> <li>• interest;</li> <li>• rents;</li> <li>• royalties;</li> <li>• dividends;</li> <li>• annuities;</li> <li>• income from the investment portion of life insurance and endowment contracts;</li> <li>• pensions;</li> <li>• income from discharge of indebtedness;</li> <li>• distributive share of partnership income; and</li> <li>• income from an interest in an estate or trust.</li> </ul>
Judicial employee	<p>Any employee of the federal judiciary (including the United States Sentencing Commission and Court of Federal Claims), Tax Court, Court of Appeals for Veterans Claims, or Court of Appeals for the Armed Forces who:</p> <p>(1) is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or</p> <p>(2) occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.</p> <p><b>See:</b> Ethics in Government Act of 1978, as amended, <a href="#">5 U.S.C. app § 109(8)</a>.</p>

<b>§ 170 Definitions</b>	
Judicial officer	Justices of the Supreme Court, judges of the United States courts of appeals, United States district courts (including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands), Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.
Marriage	Includes a same-sex marriage regardless of the filer's state of residency.
Personal hospitality of any individual	<p>Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.</p> <p><b>Notes:</b></p> <p>(1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:</p> <ul style="list-style-type: none"> <li>• gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;</li> <li>• gifts extended for a business purpose;</li> <li>• gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family;</li> <li>• gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or</li> <li>• gifts extended at a commercial property, e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose.</li> </ul> <p>(2) A judicial officer or employee is not permitted to solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judge's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference's regulations. <b>See:</b> <a href="#">5 U.S.C. § 7353</a>; Guide, Vol. 2C, Ch.6.</p>
Personal residence	Any real property used exclusively as a private dwelling by the filer or filer's spouse that is not rented during any portion of the reporting period.

§ 170 Definitions	
	<b>Note:</b> The term is not limited to one's domicile. Consequently, there may be more than one personal residence, including a vacation home.
Property	<p>(1) Any real estate (e.g., a personal residence, vacation home, rental holding, land, mineral or royalty interests);</p> <p>(2) Any possessions, objects, and goods (e.g., automobiles, furniture, paintings, coins, stamps); or</p> <p>(3) Any financial holdings (e.g., stocks, bonds, mutual funds, IRAs, 401K and other retirement accounts, education funds, bank accounts, certain life insurance policies).</p>
Reimbursement	<p>Any payment or other thing of value received by the reporting individual (other than gifts, as defined above) to cover travel-related expenses of such individual, other than those that are:</p> <p>(1) provided by the United States Government, the District of Columbia, or a state or local government or its political subdivision; or</p> <p>(2) required to be reported by the filer under <a href="#">5 U.S.C. § 7342 (codifying the Foreign Gifts and Decorations Act)</a>.</p>
Relative	<p>An individual who is related to the filer, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the filer, and is deemed to include the future spouse of the filer.</p> <p><b>Note:</b> The term "relative" includes a same-sex spouse and those related to the spouse as described here.</p>
Reporting individual	Used interchangeably with "filer," and includes both judicial officers and judicial employees.
Reviewing official	The Committee on Financial Disclosure, a subcommittee, or a member of either, or designated counsel and staff to the Committee.
Spouse	Includes a same-sex spouse regardless of the filer's state of residency.
Value	<p>A good faith estimate of the fair market value if the exact value is neither known nor easily obtainable to the filer without undue hardship or expense.</p> <p><b>Note:</b> For any interest in property, <b>see:</b> alternative valuation options in Guide, Vol. 2D, § 315.60. For gifts and reimbursements, <b>see:</b> Guide, Vol. 2D, § 330.50.</p>

# **Guide to Judiciary Policy**

Vol. 2: Ethics and Judicial Conduct  
Pt. D: Financial Disclosure

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- (2) A filer sells his or her beach home for \$50,000. Because the filer has rented it out for one month every summer, it does not qualify as a personal residence. He or she must disclose the sale under this section and any capital gain realized on the sale under § 320.
- (3) A filer sells a ranch to his or her dependent child. The filer need not report the sale because it is a transaction between the reporting individual and a dependent child. However, any capital gain, except for that portion attributable to a personal residence, must be reported under § 320.
- (4) A filer sells an apartment building and realizes a loss of \$100,000. The filer must report the sale of the building under § 325 if the sale price of the property exceeds \$1,000. Since the sale did not result in a capital gain, the filer need not report any income from the sale under § 320.

## **§ 330 Gifts and Reimbursements**

### **§ 330.10 Gifts**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source, a brief description, and the value of all gifts aggregating more than \$480 in value that are received by the filer during the reporting period from any one source.

### **§ 330.20 Reimbursements**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source and a brief description (including travel locations, dates, and nature of expenses provided) of any travel-related reimbursements aggregating more than \$480 in value that are received by the filer from one source during the reporting period.

### **§ 330.30 Exclusions**

- (a) Reports need not contain any information about gifts and reimbursements to which the provisions of this section would otherwise apply that are received from relatives (as defined in Guide, Vol. 2D, § 170) or during a period in which the filer was not a judicial officer or judicial employee.
- (b) For gift reporting only, any food, lodging, or entertainment received as “personal hospitality of any individual” (as defined in Guide, Vol. 2D, § 170) need not be reported. Certain exclusions are also specified in the definitions of gift and reimbursement in Guide, Vol. 2D, § 170.

**§ 330.40 Aggregation Exception**

(a) Any gift with a fair market value of \$192 or less need not be aggregated for purposes of the reporting rules of this section.

(b) Examples:

(1) A filer accepts a print, a pen and pencil set, and a letter opener from a community service organization that he or she has worked with solely in his or her private capacity. The filer determines, consistent with § 330.50, that these gifts are valued as follows:

- Gift 1 (print): \$300
- Gift 2 (pen and pencil set): \$197
- Gift 3 (letter opener): \$20

The filer must disclose gifts 1 and 2, since individually they exceed \$192 in value and together they aggregate more than \$480 in value from the same source. Gift 3 need not be aggregated, because its value does not exceed \$192.

(2) A filer receives the following gifts from a single source:

- Gift 1 (dinner for two at a local restaurant): \$120
- Gift 2 (round-trip taxi fare to meet at the restaurant): \$25
- Gift 3 (dinner at friend's city residence): value uncertain
- Gift 4 (round-trip airline transportation and hotel accommodations to visit Epcot Center in Florida): \$490
- Gift 5 (weekend at friend's country home, including duck hunting and tennis match): value uncertain.

The filer need only disclose Gift 4. Gift 1 falls within the exclusion in § 170 (Gift) for food and beverages not consumed in connection with a gift of overnight lodging. Gifts 3 and 5 need not be disclosed because they fall within the exception for personal hospitality of an individual. Gift 2 need not be aggregated and reported, because its value does not exceed \$192.

(3) An outside source provides free tickets for the filer and his or her spouse to attend an awards banquet at a local club. The value of the tickets exceeds the minimum reporting threshold. Even though this is a gift that exceeds the threshold amount for disclosure, the official need not report it, because of the exclusion in the definition of "gift" in § 170 (Gift) for food and beverages not consumed in connection with a gift of overnight lodging.



**Note:** Before accepting this gift of tickets, the filer should consider whether the gift is permissible under the gift regulations (**see:** Guide, Vol. 2C, Ch. 6 (Gifts to Judicial Officers and Employees)) and/or consult with the Committee on Codes of Conduct.

- (4) A filer is asked to speak at an out-of-town meeting. The round-trip airfare exceeds the minimum reporting threshold. Regardless of whether the filer pays for the ticket and is then reimbursed by the organization to which he or she spoke, or the organization provided the ticket, the filer should disclose the information under § 330.20.

### § 330.50 Value of Gifts and Reimbursements

- (a) The value to be assigned to a gift (for determining whether the reporting threshold is met and for reporting) or reimbursement (for determining whether the reporting threshold is met) is its fair market value.
- (b) For most reimbursements, this will be the amount actually received.
- (c) For gifts, the value should be determined using one of the following means:
  - (1) If the gift has been newly purchased or is readily available in the market, the value should be its retail price (the filer need not contact the donor, but may contact a retail establishment selling similar items to determine the present cost in the market); **or**
  - (2) If the item is not readily available in the market, such as a piece of art, a handmade item, or an antique, the filer may make a good faith estimate of the value of the item.

**Note:** In the case of gifts related to travel, the filer's estimate of value should be made in reference to the most analogous commercially available substitute (e.g., transportation aboard a private aircraft should be valued at the cost of a first-class ticket for a similar route on a commercial air carrier; travel aboard a private yacht should be valued according to the cost of a ticket on a commercial cruise with similar destinations, duration, and accommodations).

**Note:** "Readily available in the market" means that an item generally is available for retail purchase in the metropolitan area nearest to the filer's residence or from an internet retailer.

- (d) **Example:** Items such as a pen and pencil set, letter opener, leather case, or engraved pen are generally available in the market and can be

determined by contacting stores that sell like items or researching retail prices on the internet and ascertaining the retail price of each.

**Note:** The market value of a ticket entitling the holder to attend an event that includes food, refreshments, entertainment, or other benefits is the face value of the ticket, which may exceed the actual cost of the food and other benefits. The value of food and beverages (which may be excludable under the definition of “gift” in Guide, Vol. 2D, § 170) may be determined by:

- making a good faith estimate, or
- determining their actual cost from the caterer, restaurant, or similar source.

### **§ 330.60 Waiver Rule in the Case of Certain Gifts**

- (a) In unusual cases, the value of a gift as defined in Guide, Vol. 2D, § 170 need not be aggregated for reporting threshold purposes under this section and, therefore, the gift need not be reported if the Committee receives a written request for and issues a waiver. A waiver request must include the following:
  - (1) A cover letter with the filer’s name and position and a request for a waiver under 5 U.S.C. app. § 102(a)(2)(C); and
  - (2) An enclosure with:
    - (A) the identity and occupation of the donor;
    - (B) a description and estimated fair market value of the gift;
    - (C) a description of the relationship between the filer and the donor including whether the relationship and motivation for the gift are personal in nature;
    - (D) an explanation if the relationship or gift from the donor would require recusal;
    - (E) whether the gift was given to the filer because of an official position; and
    - (F) an explanation as to why there is no countervailing public purpose requiring public disclosure of the nature, source, and value of the gift.
- (b) The Committee may issue a waiver, after determining that:

- (1) both the basis of the relationship between the grantor and the grantee and the motivation behind the gift are personal; and
  - (2) no countervailing public purpose requires public disclosure of the nature, source, and value of the gift.
- (c) The date of any waiver request and grant issued under this section must be made publicly available as a note in Part VIII. Additional Information or Explanations on the filer's financial disclosure report.

**Example:** On March 1, 2018, a filer requests a gift reporting waiver. On April 14, 2018, the Committee issues a gift waiver to a filer. The filer must include a note on the applicable financial disclosure report that states that on March 1, 2018, the filer requested a gift reporting waiver, and that the Committee issued a waiver for reporting a gift on April 14, 2018 consistent with 5 U.S.C. app. § 102(a)(2)(C).

- (d) Any determination by the Committee that a filer does or does not have to report a gift under this section is not a determination that the filer may properly accept the gift under the appropriate Code of Conduct for the filer or any other applicable ethics statute or regulation (**see:** Guide, Vol. 2D, § 160).

**Example:** A filer and his or her spouse receive the following two wedding gifts:

- Gift 1: A crystal decanter valued at \$485 from the filer's former college roommate and lifelong friend, who is a real estate broker.
- Gift 2: A gift of a print valued at \$550 from a business partner of the spouse, who owns a catering company.

Under these circumstances, the Committee may grant a request for a waiver of the requirement to report each of these gifts.

## § 335 Liabilities

### § 335.10 Generally

- (a) Each financial disclosure report filed must identify and include a brief description of the filer's liabilities over \$10,000 owed to any creditor at any time during the reporting period, and the name of the creditors to whom such liabilities are owed.

# Key Document E



**U.S. Courts**

[uscourts.gov](https://uscourts.gov) | [news](#) | [federal court finder](#)

## Judiciary Policy Update: Ethics

You have asked to be notified of updates to federal judiciary ethics policy. The Judicial Conference Committee on Financial Disclosure approved revisions to [Guide to Judiciary Policy, Volume 2 \(Ethics and Judicial Conduct\), Part D \(Financial Disclosure\)](#) to:

- reflect recent legislative history,
- promote consistency with Committee on Codes of Conduct regulations,
- clarify application of the personal hospitality exemption to gifts received at personal residences owned by corporate entities,
- delete examples that will be moved into next year's filing instructions, and
- ensure the guidance's accuracy and completeness.

**Financial Disclosure Policy**

# Key Document F

# Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct  
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## Ch. 1: Overview

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## § 110 Introduction

- (a) Judicial officers and certain judicial employees are required to file financial disclosure reports by Title I of the Ethics in Government Act of 1978, Pub. L. No. 95-521, amended by the Ethics Reform Act of 1989, Pub. L. No. 101-194, 103 Stat. 1716, and by the Courthouse Ethics and Transparency Act (CETA), Pub. L. No. 117-125, 136 Stat. 1205 (2022).
- (b) Congress later repealed and reenacted the Ethics in Government Act, which had previously been in the appendix of title 5 of the U.S. Code. Pub. L. No. 117-286, 136 Stat. 4196, 4361, 4266-4295 (2022).
- (c) References to the “Ethics in Government Act, as amended” or the “Act” in *Guide*, Vol. 2D refer to both the provisions already codified at 5 U.S.C. §§ 13101–13111 and the CETA provisions not yet codified.
- (d) The Act provides the information required in financial disclosure reports and prescribes their general format and procedures.

## § 120 Authority

- (a) The regulations in this volume are issued under the Act’s authority.

- (b) The Judicial Conference of the United States is responsible for judiciary compliance with, and implementation of, the Act (**see:** 5 U.S.C. § 13102).
- (c) In 1990, 2017, and 2022, the Conference delegated this authority to its Committee on Financial Disclosure, as authorized by the Act (**see:** JCUS-SEP 1990, p. 85; JCUS-SEP 2017, p. 13; JCUS-SEP 2022, p. 5).
- (d) The Committee approved a revised set of financial disclosure regulations in 2017 and several amendments since then.
- (e) The Committee has prescribed Forms AO 10 and AO 10T for filing financial disclosure reports.

## **§ 130 Purpose**

This part of Volume 2 provides the uniform procedures and requirements for the judiciary's financial disclosure system.

## **§ 140 Applicability**

This part of Volume 2 applies to all judicial officers and judicial employees required by the Act to file financial disclosure reports.

## **§ 150 In General**

- (a) Title I of the Act requires that designated federal officials disclose publicly their personal financial interests, to ensure confidence in the integrity of the federal government by demonstrating that they are able to carry out their duties without compromising the public trust.
- (b) Financial disclosure reports are not net-worth statements. Financial disclosure systems seek only the information that the judiciary has deemed relevant to the administration and application of conflict-of-interest laws, statutes on ethical conduct or financial interests, and regulations on standards of ethical conduct.
- (c) Nothing in the Act or these regulations requiring the reporting of information or the filing of any report may be deemed to authorize:
  - receipt of income, honoraria, gifts, or reimbursements;
  - holding of assets, liabilities, or positions; or
  - involvement in transactions that are prohibited by law or regulation.

**See:** § 160, below.



- (d) The Administrative Office of the U.S. Courts (AO) is responsible for processing, maintaining, and releasing financial disclosure reports according to the Act and this part of Volume 2.
  - (1) As required by the Act, the reports are maintained for six years, after which they are destroyed unless needed in an ongoing investigation.
  - (2) For individuals who file a report as a nominee under Guide, Vol. 2D, § 210.20 and are not later confirmed by the Senate, such reports will be destroyed one year after the individual is no longer under consideration by the Senate, unless needed in an ongoing investigation.

## § 160 Relationship to Codes of Conduct

- (a) This part of Volume 2 governs only the filing of financial disclosure reports.
- (b) The disclosure requirements and exemptions in the Ethics in Government Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference or the statutory provisions for disqualification or recusal. **See:** Mandatory Conflict Screening Policy (Guide, Vol. 2C, Ch. 4).
- (c) Article III judges, bankruptcy judges, and magistrate judges are governed by the Code of Conduct for United States Judges (Guide, Vol. 2A, Ch. 2).
- (d) Judicial employees are governed by the Code of Conduct for Judicial Employees (Guide, Vol. 2A, Ch. 3).
- (e) Federal public defender employees are governed by the Code of Conduct for Federal Public Defender Employees (Guide, Vol. 2A, Ch. 4).
- (f) AO employees are governed by the Code of Conduct for Administrative Office Employees (*AO Manual*, Vol. 4, Ch. 2).

## § 170 Definitions

§ 170 Definitions	
Act	The Ethics in Government Act of 1978 (Pub. L. 95-521, as amended), as modified by the Ethics Reform Act of 1989 (Pub. L. 101-194, as amended), as further modified in May 2022 by the Courthouse Ethics and Transparency Act (CETA) (Pub. L. 117-125 (2022)), and as repealed and reenacted by Pub. L. 117-286 (Dec. 27, 2022). References to “the Act” refer to both the provisions codified at 5 U.S.C. §§ 13101–13111 and the CETA provisions not yet codified.

<b>§ 170 Definitions</b>	
Beneficial interest	In a trust, this means that the beneficiary has a right to receive an asset or the income from an asset but does not hold title to the asset itself.
Dependent child	<p>When used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who is:</p> <ul style="list-style-type: none"> <li>(1) unmarried, under age 21, and living in the household of the reporting individual; or</li> <li>(2) a dependent of the reporting individual within the meaning of 26 U.S.C. § 152.</li> </ul>
Designated agency ethics official	The Judicial Conference's Committee on Financial Disclosure, a subcommittee, or member of either, or counsel of either designated to administer the provisions of the Act and these regulations within the judiciary.
Excepted Investment Fund	<p>An investment fund is an excepted investment fund if:</p> <ul style="list-style-type: none"> <li>(1) it is widely held;</li> <li>(2) it is publicly traded or the assets of the fund are widely diversified; and</li> <li>(3) the reporting individual neither owns nor exercises control over nor has the ability to exercise control over the financial interests held by the fund.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>(1) Publicly traded mutual funds and exchange-traded funds (ETFs) registered with the Securities and Exchange Commission qualify as excepted investment funds.</li> <li>(2) Mutual funds and ETFs that qualify as an "excepted investment fund" for financial disclosure reporting also likely qualify as a "safe harbor" from a financial conflict of interest under the Code of Conduct for United States Judges with respect to assets held by the fund, but judges should evaluate all of their financial holdings for potential conflicts that may require disqualification. <b>See:</b> Canon 3C(1)(c), (3); Guide, Vol. 2B, Ch. 2 (Published Advisory Opinions), Advisory Opinion No. 106 ("investment in a mutual fund does not convey an ownership interest in the companies whose stock the fund holds").</li> <li>(3) In a managed asset account (i.e., separately managed account), the individual investor owns (or has an ownership interest in) the assets within the account, but all or most investment and transaction decisions related to the account are within the discretion and control of an account manager. Such an account is not an excepted investment fund. A defined contribution plan (e.g., 401(k), IRA, 457(b), 403(b)) is also not an excepted investment fund since the contributor has an equity interest in the amounts deposited.</li> </ul>

§ 170 Definitions	
Filer	Used interchangeably with “reporting individual,” and includes both judicial officers and judicial employees.
Gift	<p>A payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor, including food and beverages consumed in connection with a gift of overnight lodging.</p> <p><b>Note:</b> A gift does not include:</p> <ol style="list-style-type: none"> <li>(1) bequests and other forms of inheritance;</li> <li>(2) suitable mementos of a function honoring the reporting individual;</li> <li>(3) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States government, the District of Columbia, or a state or local government or its political subdivision;</li> <li>(4) food and beverages that are consumed without a gift of overnight lodging;</li> <li>(5) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; and</li> <li>(6) exclusions and exceptions as described in Guide, Vol. 2D, § 330.30 and § 330.40.</li> </ol>
Honorarium	<p>A payment of money or anything of value (excluding or reduced by travel expenses as provided in 5 U.S.C. § 13141(2) and (5)) for an appearance, speech, or article by a judicial officer or employee, provided that the following do not constitute an honorarium:</p> <ol style="list-style-type: none"> <li>(1) payment for a series of related appearances, speeches, or articles, provided that: <ul style="list-style-type: none"> <li>• the subject matter is not directly related to the officer’s or employee’s official duties, and</li> <li>• the payment is not made because of the officer’s or employee’s status with the government;</li> </ul> </li> </ol>

## § 170 Definitions

	<p>(2) compensation received for teaching activity, provided that in the case of covered senior employees such teaching activity is approved under § 1020.35;</p> <p>(3) awards for artistic, literary, or oratorical achievement made on a competitive basis under established criteria;</p> <p>(4) compensation for any performance using an artistic, athletic, musical, or other skill or talent or any incidental oral presentation, provided that:</p> <ul style="list-style-type: none"> <li>• the subject matter is not directly related to the officer's or employee's official duties, and</li> <li>• the opportunity is not extended because of the officer's or employee's official position;</li> </ul> <p>(5) compensation for any writing more extensive than an article;</p> <p>(6) compensation for works of fiction, poetry, lyrics, script, or other literary or artistic works; and</p> <p>(7) a suitable memento or other token in connection with an occasion or article, provided that it is neither money nor of commercial value.</p>
Income	<p>All monies, compensation, and wages derived from whatever source, whether or not taxable for federal income tax purposes (e.g., municipal bond interest). Generally, income means "gross income" as determined under the Internal Revenue Service principles at 26 CFR 1.61-1 through 1.61-15 and 1.61-21.</p> <p><b>Note:</b> It includes but is not limited to the following items:</p> <ul style="list-style-type: none"> <li>• earnings such as compensation for services, fees, commissions, salaries, wages, and similar items;</li> <li>• gross income derived from business (and net income if the individual elects to include it);</li> <li>• gains derived from dealings in property including capital gains (whether actually received or reinvested);</li> <li>• income from rental property, even if a profit is not realized;</li> <li>• interest;</li> <li>• rents;</li> <li>• royalties;</li> <li>• dividends;</li> <li>• annuities;</li> <li>• income from the investment portion of life insurance and endowment contracts;</li> <li>• pensions;</li> <li>• income from discharge of indebtedness;</li> </ul>

<b>§ 170 Definitions</b>	
	<ul style="list-style-type: none"> <li>• distributive share of partnership income; and</li> <li>• income from an interest in an estate or trust.</li> </ul>
Judicial employee	<p>Any employee of the federal judiciary (including the United States Sentencing Commission and Court of Federal Claims), Tax Court, Court of Appeals for Veterans Claims, or Court of Appeals for the Armed Forces who:</p> <p>(1) is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or</p> <p>(2) occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.</p> <p><b>See:</b> Ethics in Government Act of 1978, as amended, 5 U.S.C. § 13101(9).</p>
Judicial officer	<p>Justices of the Supreme Court, judges of the United States courts of appeals, United States district courts (including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands), Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.</p> <p><b>See:</b> Ethics in Government Act of 1978, as amended, 5 U.S.C. § 13101(10).</p>
Marriage	Includes a same-sex marriage regardless of the filer's state of residency.
Personal hospitality of any individual	<p>Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.</p> <p><b>Notes:</b></p> <p>(1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:</p> <ul style="list-style-type: none"> <li>• gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;</li> <li>• gifts extended for a business purpose;</li> <li>• gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family;</li> </ul> <p><b>(Note:</b> The reporting exemption applies to stays extended for a nonbusiness purpose at a personal residence of the host, even if the</p>

<b>§ 170 Definitions</b>	
	<p>personal residence is owned by an entity, provided that the residence is not regularly rented out to others for a business purpose and there are no indicia that the residence is commercial.)</p> <ul style="list-style-type: none"> <li>• gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or</li> <li>• gifts extended at a commercial property (e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose).</li> </ul> <p>(2) A judicial officer or employee may not solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judicial officer's or employee's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference regulations. <b>See:</b> 5 U.S.C. § 7353; Guide, Vol. 2C, Ch. 6.</p>
Personal residence	<p>Any real property used exclusively as a private dwelling by the filer or filer's spouse that is not rented during any portion of the reporting period.</p> <p><b>Note:</b> The term is not limited to one's domicile. Consequently, there may be more than one personal residence, including a vacation home.</p>
Property	<p>(1) Any real estate (e.g., a personal residence, vacation home, rental holding, land, mineral or royalty interests);</p> <p>(2) Any possessions, objects, and goods (e.g., automobiles, furniture, paintings, coins, stamps); or</p> <p>(3) Any financial holdings (e.g., stocks, bonds, mutual funds, IRAs, 401K and other retirement accounts, education funds, bank accounts, certain life insurance policies).</p>
Reimbursement	<p>Any payment or other thing of value received by the reporting individual (other than gifts, as defined above) to cover travel-related expenses of such individual, other than those that are:</p> <p>(1) provided by the United States Government, the District of Columbia, or a state or local government or its political subdivision; or</p> <p>(2) required to be reported by the filer under 5 U.S.C. § 7342 (codifying the Foreign Gifts and Decorations Act).</p>
Relative	<p>An individual who is related to the filer, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-</p>

§ 170 Definitions	
	<p>in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the filer, and is deemed to include the future spouse of the filer.</p> <p><b>Note:</b> The term “relative” includes a same-sex spouse and those related to the spouse as described here.</p>
Reporting individual	Used interchangeably with “filer,” and includes both judicial officers and judicial employees.
Reviewing official	The Committee on Financial Disclosure, a subcommittee, or a member of either, or designated counsel and staff to the Committee.
Spouse	Includes a same-sex spouse regardless of the filer’s state of residency.
Value	<p>A good faith estimate of the fair market value if the exact value is neither known nor easily obtainable to the filer without undue hardship or expense.</p> <p><b>Note:</b> For any interest in property, <b>see:</b> alternative valuation options in Guide, Vol. 2D, § 315.60. For gifts and reimbursements, <b>see:</b> Guide, Vol. 2D, § 330.50.</p>

# **Guide to Judiciary Policy**

Vol. 2: Ethics and Judicial Conduct  
Pt. D: Financial Disclosure

## **Ch. 3: Report Contents**

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[§ 312 Types of Reportable Property](#)

[§ 315 Interests in Property](#)

[§ 315.10 Economic Entities \(Businesses and Partnerships\)](#)

[§ 315.20 Exceptions](#)

[§ 315.30 Identification of Assets](#)

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[§ 350 Power of Attorney](#)

[§ 355 Outside Positions](#)



- (2) A filer sells his or her beach home for \$50,000. Because the filer has rented it out for one month every summer, it does not qualify as a personal residence. He or she must disclose the sale under this section and any capital gain realized on the sale under § 320.
- (3) A filer sells a ranch to his or her dependent child. The filer need not report the sale because it is a transaction between the reporting individual and a dependent child. However, any capital gain, except for that portion attributable to a personal residence, must be reported under § 320.
- (4) A filer sells an apartment building and realizes a loss of \$100,000. The filer must report the sale of the building under § 325 if the sale price of the property exceeds \$1,000. Since the sale did not result in a capital gain, the filer need not report any income from the sale under § 320.

## **§ 330 Gifts and Reimbursements**

### **§ 330.10 Gifts**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source, a brief description, and the value of all gifts aggregating more than \$480 in value that are received by the filer during the reporting period from any one source.

### **§ 330.20 Reimbursements**

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source and a brief description (including travel locations, dates, and nature of expenses provided) of any travel-related reimbursements aggregating more than \$480 in value that are received by the filer from one source during the reporting period.

### **§ 330.30 Exclusions**

- (a) Reports need not contain any information about gifts and reimbursements to which the provisions of this section would otherwise apply that are received from relatives (as defined in Guide, Vol. 2D, § 170) or during a period in which the filer was not a judicial officer or judicial employee.
- (b) For gift reporting only, any food, lodging, or entertainment received as “personal hospitality of any individual” (as defined in Guide, Vol. 2D, § 170) need not be reported. Certain exclusions are also specified in the definitions of gift and reimbursement in Guide, Vol. 2D, § 170.

### § 330.40 Aggregation Exception

Any gift with a fair market value of \$192 or less need not be aggregated for purposes of the reporting rules of this section.

### § 330.50 Value of Gifts and Reimbursements

- (a) The value to be assigned to a gift (for determining whether the reporting threshold is met and for reporting) or reimbursement (for determining whether the reporting threshold is met) is its fair market value.
- (b) For most reimbursements, this will be the amount actually received.
- (c) For gifts, the value should be determined using one of the following means:
  - (1) If the gift has been newly purchased or is readily available in the market, the value should be its retail price (the filer need not contact the donor, but may contact a retail establishment selling similar items to determine the present cost in the market); **or**
  - (2) If the item is not readily available in the market, such as a piece of art, a handmade item, or an antique, the filer may make a good faith estimate of the value of the item.

**Note:** In the case of gifts related to travel, the filer's estimate of value should be made in reference to the most analogous commercially available substitute (e.g., transportation aboard a private aircraft should be valued at the cost of a first-class ticket for a similar route on a commercial air carrier; travel aboard a private yacht should be valued according to the cost of a ticket on a commercial cruise with similar destinations, duration, and accommodations).

**Note:** "Readily available in the market" means that an item generally is available for retail purchase in the metropolitan area nearest to the filer's residence or from an internet retailer.

- (d) **Example:** Items such as a pen and pencil set, letter opener, leather case, or engraved pen are generally available in the market and can be determined by contacting stores that sell like items or researching retail prices on the internet and ascertaining the retail price of each.

**Note:** The market value of a ticket entitling the holder to attend an event that includes food, refreshments, entertainment, or other benefits is the face value of the ticket, which may exceed the actual cost of the food and

other benefits. The value of food and beverages (which may be excludable under the definition of “gift” in Guide, Vol. 2D, § 170) may be determined by:

- making a good faith estimate, or
- determining their actual cost from the caterer, restaurant, or similar source.

### **§ 330.60 Waiver Rule in the Case of Certain Gifts**

- (a) In unusual cases, the value of a gift as defined in Guide, Vol. 2D, § 170 need not be aggregated for reporting threshold purposes under this section and, therefore, the gift need not be reported if the Committee receives a written request for and issues a waiver. A waiver request must include the following:
  - (1) A cover letter with the filer’s name and position and a request for a waiver under 5 U.S.C. § 13104(a)(2)(C); and
  - (2) An enclosure with:
    - (A) the identity and occupation of the donor;
    - (B) a description and estimated fair market value of the gift;
    - (C) a description of the relationship between the filer and the donor including whether the relationship and motivation for the gift are personal in nature;
    - (D) an explanation if the relationship or gift from the donor would require recusal;
    - (E) whether the gift was given to the filer because of an official position; and
    - (F) an explanation as to why there is no countervailing public purpose requiring public disclosure of the nature, source, and value of the gift.
- (b) The Committee may issue a waiver, after determining that:
  - (1) both the basis of the relationship between the grantor and the grantee and the motivation behind the gift are personal; and
  - (2) no countervailing public purpose requires public disclosure of the nature, source, and value of the gift.

- (c) The date of any waiver request and grant issued under this section must be made publicly available as a note in Part VIII. Additional Information or Explanations on the filer's financial disclosure report.

**Example:** On March 1, 2018, a filer requests a gift reporting waiver. On April 14, 2018, the Committee issues a gift waiver to a filer. The filer must include a note on the applicable financial disclosure report that states that on March 1, 2018, the filer requested a gift reporting waiver, and that the Committee issued a waiver for reporting a gift on April 14, 2018 consistent with 5 U.S.C. § 13104(a)(2)(C).

- (d) Any determination by the Committee that a filer does or does not have to report a gift under this section is not a determination that the filer may properly accept the gift under the appropriate Code of Conduct for the filer or any other applicable ethics statute or regulation (**see:** Guide, Vol. 2D, § 160).

**Example:** A filer and his or her spouse receive the following two wedding gifts:

- Gift 1: A crystal decanter valued at \$485 from the filer's former college roommate and lifelong friend, who is a real estate broker.
- Gift 2: A gift of a print valued at \$550 from a business partner of the spouse, who owns a catering company.

Under these circumstances, the Committee may grant a request for a waiver of the requirement to report each of these gifts.

## § 335 Liabilities

### § 335.10 Generally

- (a) Each financial disclosure report filed must identify and include a brief description of the filer's liabilities over \$10,000 owed to any creditor at any time during the reporting period, and the name of the creditors to whom such liabilities are owed.
- (b) The report also must designate the category of value of the liabilities consistent with § 315.50, reporting the amount owed to the creditor at the end of the reporting period.

### § 335.20 Exceptions

- (a) The following are not required to be reported:

# Key Document G

## **Financial Disclosure Report**

---

# **Filing Instructions for Judicial Officers and Employees**

**Committee on Financial Disclosure  
Administrative Office of the U.S. Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544  
202-502-1850  
January 14, 2009**

## ***Major Changes to Financial Disclosure Instructions for 2008***

*In Part V, Gifts, the instructions were amended to reflect the October 13, 2008 enactment of Pub. L. No. 110-402, which prohibits a judicial officer from accepting a gift of an honorary club membership with a value of more than \$50 in any calendar year.*

*In Part VII, Investments and Trusts, supplemental instructions were added at page 39 clarifying the reporting of "529" and similar educational savings plans.*

*In Part VII, Investments and Trusts, "(X)" can be used to account for the appearance of any new asset for which there is not a corresponding reportable transaction. In addition, "(Y)" can be used to account for the disappearance of any asset for which there is not a corresponding reportable transaction. These designators might prove useful when accounting for changes in assets occasioned by market fluctuations during 2008.*

*While it is not otherwise required to identify a brokerage or financial management company as part of an account header when listing assets in Part VII, Investments and Trusts, it should be noted that the name of the brokerage or financial management company nonetheless must be provided to properly identify a money market account, mutual fund, or cash equivalent account contained therein.*

*An enhanced self-audit function is included in the FDR2008 software and should be run by each filer prior to submitting a report.*

## SECURITY ISSUES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

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## **INTRODUCTION**

Three types of Financial Disclosure Reports – initial, annual, and final – are required by the Ethics in Government Act of 1978, as amended, published in Title 5 of the United States Code, Appendix, §§ 101-111.

These filing instructions govern the preparation and filing of Form AO-10 which is to be used by judicial officers and employees for all reports due after January 1, 2009. The body of the filing instructions covers reporting requirements for annual reports, which in some cases also apply to initial and final reports. Where requirements for initial and final reports differ from the annual reporting requirements, specific information can be found in Appendices I and II, respectively, of these instructions.

The Act requires that the Committee on Financial Disclosure review each report to assure that, on the basis of the information provided, the reporting person is in compliance with applicable laws and regulations. Section 106(b)(1). The Committee also reviews reports to determine potential conflicts of interest or ethical problems.

Questions concerning the reporting requirements (and suggestions for improving the Form AO-10 or these instructions) should be addressed to: Committee on Financial Disclosure, Administrative Office of the United States Courts, Suite 2-301, One Columbus Circle, N.E., Washington, D.C. 20544.

## **WHO MUST FILE, WHEN AND WHERE**

JUDICIAL OFFICERS AND JUDICIAL EMPLOYEES are required to file an annual report by May 15 following each calendar year in which they performed their duties for more than sixty (60) days. Section 101(d). Filing before the due date is encouraged to ease the burden on members of the Committee on Financial Disclosure who review the reports, as required by the Act.

JUDICIAL OFFICERS are defined in the Act as the Chief Justice and Associate Justices of the Supreme Court, and the judges of United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of International Trade, Tax Court, Court of Federal Claims, Court of Veterans Appeals, United States Court of Appeals for the Armed Forces, and any court created by an Act of Congress, the judges of which are entitled to hold office during good behavior. Section 109(10).

A JUDICIAL EMPLOYEE is any employee, other than a JUDICIAL OFFICER of the judicial branch of Government, of the United States Sentencing Commission, of the Tax Court,

of the Court of Federal Claims, of the Court of Veterans Appeals, or of the United States Court of Appeals for the Armed Forces, who

- (a) is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, e.g., bankruptcy judges and magistrate judges; or
- (b) occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule. Section 109(8).

Persons whose obligation to file reports may vary from year to year, e.g., a senior judge, or recalled bankruptcy judge or magistrate judge who may perform more than 60 days of service in one year but not in another, should certify their exempt status to the Committee on Financial Disclosure by May 15th, if they are exempt from filing for the prior year. This will avoid an inquiry from the Committee concerning failure to file. When they file their next reports, they should explain any apparent inconsistencies resulting from the "gap" between the two reporting periods.

For information on who must file initial and final reports, and when they must be filed, see Appendices I and II, respectively.

#### Commentary

*The General Counsel of the Administrative Office has determined that the term "basic pay" within the definition of a judicial employee does not include locality pay or geographic cost-of-living allowance (COLA) received by some employees in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. Geographic COLAs are considered additional allowances for the cost of living rather than part of the basic rate of pay. Similarly, there is no express statutory authority permitting court employees to receive locality pay. Payment is based upon the Director of the Administrative Office's authority to set compensation and is treated in the same manner that locality pay is treated in the Executive Branch, which does not consider locality pay as a part of basic pay.*

*Part-time employees without adjudicatory functions are deemed to satisfy the filing threshold if the basic rate of pay fixed for the position held meets the statutory minimum. Thus, the "rate of basic pay" rather than actual pay received, is used to determine the need to file a report. In addition, the Committee has held that the "rate of basic pay" to be used to determine whether a reemployed annuitant who is not authorized to perform adjudicatory functions must file a report does not include the annuity.*

*A part-time magistrate judge whose annual salary level is less than 16.4% of the salary of a full-time magistrate judge will normally perform the duties of his or her office for less than sixty-one (61) days each year and accordingly is not required to notify the Committee of his or her exempt status.*

### **Extensions of Time to File**

The Committee on Financial Disclosure may grant reasonable extensions of time for filing initial, annual, and final reports. Requests for extension should be submitted to the Committee before the due date, in writing signed by the filer explaining why the extension is necessary. The maximum extension permitted by the Act is 90 days. Section 101(g).

Emergency requests for extension may be made by telephone to the Committee staff if the reason for the request could not have been reasonably anticipated. A letter confirming the request should be sent promptly to the Committee. A letter confirming the oral response will be sent promptly by the Committee.

### **Filing Fee**

The statute requires a person to file a timely report. One who files a report more than thirty (30) days after the date the report was due may be assessed a filing fee of \$200.00. If for good reason it is necessary to request a delay in filing, extensions of time of up to 90 days may be granted by the Committee on Financial Disclosure. The statute states that extensions beyond 90 days are not permissible. Absent a waiver, those granted a full 90 day extension will have to pay the fee if they do not file by the 120th day. Section 104(d)(1).

The Committee may waive the filing fee for extraordinary circumstances. Requests for waivers must be submitted in writing to the Committee with explanation of the reason(s) the report was not filed on time. Section 104(d)(2).

### **Commentary**

*When a report is filed more than 30 days after the date it is due, the filer is assessed a late filing fee of \$200. The fee is deposited in the United States Treasury. If a filer requests a waiver of the fee due to extraordinary circumstances, the Committee has delegated the authority to approve waivers to the Subcommittee on Compliance. Please note, that reports are deemed to have been filed ten (10) days prior to physical receipt for the purpose of determining whether the report has been timely filed.*

### **Where to File**

The original and three copies of the report, and of any amendments (including amendments in response to letters of inquiry) are to be filed with:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

Section 103(h)(1)(B).

### **Commentary**

*Reports are not considered to have been received unless they are physically received by the staff of the Committee on Financial Disclosure and contain an original signature of the filer. Reports will be date stamped as soon as they are received by the staff. Reports sent to the Committee on Financial Disclosure by facsimile or other electronic means are not considered to be received until a copy with an original signature is received.*

### **Amendments**

A report may be amended by filing an amended Form AO-10 for that year, fully explaining items added to, or changed from, the original submission.

Alternatively, additional information may be submitted by a separate letter addressed to the Committee. You should identify the report(s) and part(s) being corrected and provide complete information for the item(s) being corrected. Sign the letter personally, which will constitute your certification to the accuracy and completeness of the report(s) as amended.

Regardless of which method is used, you should file amendments in the same manner as for the original, i.e., a signed original and three copies with the Committee.

### **Commentary**

*Self-initiated amendments will be certified in the same manner as an original report. Each reviewer will complete Block 8 on the Form AO-10 for each amendment as amended.*

*Amendments must be submitted over the signature of the filer. Amendments submitted on the filer's behalf by accountants, lawyers, or others are not acceptable.*

## **Waivers**

The Committee may grant a request for a waiver of any reporting requirement for one who is expected to perform the duties of the office or position less than one hundred and thirty (130) days in a calendar year, but only if the Committee determines that:

- (1) the person is not a full-time employee of the federal government;
- (2) the person is able to provide services specially needed by the federal government;
- (3) it is unlikely that the person's outside employment or financial interests will create a conflict of interest; and
- (4) public financial disclosure by the person is not necessary under the circumstances.

Any request for such a waiver must be directed in writing to the Committee with a detailed explanation of the facts upon which the Committee can make the determinations required under the Act. All such requests are available to the public. Section 101(i).

## **GENERAL INSTRUCTIONS**

Each year, the Committee on Financial Disclosure provides reporting software and resource materials to all filers to assist them in completing their reports. Blank copies of the Financial Disclosure Form AO-10 are also available.

### **"None" Box**

Parts I through VII of the report must be completed. If you have no reportable items in any of these parts, do not simply leave it blank or mark it as "N/A," but instead mark the "None" box as an affirmative declaration of the fact.

### **Disclosure Concerning Family Members**

A reporting person is required to disclose financial information concerning a spouse and dependent children, and the form is designed for inclusion of this information. Section 102(e)(1). The requirement to disclose trust information for a spouse and dependent children only when a beneficial interest exists is found on pages 58 and 59. The Act does not require disclosure of the financial interests of other family members, nor is it required with



respect to a spouse who is living separate and apart with the intention of terminating the marriage or permanently separating. Section 102(e)(2).

The Act defines a dependent child as a "son, daughter, stepson, or stepdaughter . . . who –

- (A) is unmarried and under age 21 and is living in the household of the reporting person; or
- (B) is a dependent of the reporting person within the meaning of Section 152 of the Internal Revenue Code of 1986." (26 U.S.C. § 152)

Section 109(2).

### **Extra Pages; Attachments**

If more space is needed for any part than is provided on the form, make the additional entries on a new page and include it as a numbered attachment. The identifying information (name and date of report) must appear on each attachment page. If you make these entries on other than a photocopy of a page from the form, make sure that the part being continued is indicated and that all the required information is given.

### **Alternative Format For Reporting**

The computer program available from the Committee provides an acceptable format for reporting.

It is permissible in exceptional circumstances to provide the required information in any part of the report in an alternative format but only upon a specific written determination by the Committee that such alternative reporting is acceptable. Those wishing to use alternative formats should seek permission to do so by writing to the Committee stating in detail the format to be used, why the request is being made, and whether it is for the current report only or for future reports, as well. All information submitted must be in a format easily reconciled with prior reports. Section 102(b)(2)(A).

In the absence of permission to use an alternative format, no extrinsic reports or documents may be used as substitutes for disclosure on the Form AO-10 as provided. This limitation is necessary to avoid additional burdens that would occur in the review process if a variety of documents, with different formats and often with extraneous information, were permitted.

### **Reconciliation with Prior Reports**

Each report should be complete in itself. No information may be adopted by reference to prior reports. If letters approving a specific transaction, position, or agreement have been received from the Committee, or if the Committee on Codes of Conduct has approved particular

conduct or actions, a copy of the letter of approval should be attached to each report to avoid a letter of inquiry.

Compare the information on your current report with that in the prior report to assure that each is complete and correct.

To assist the Committee during the review process, list items in each part of the report in the same order as shown in the prior report (placing any new items at the bottom of the list or of the appropriate subdivision of the list).

### **Personal Information**

<div style="border: 1px solid black; padding: 2px; font-size: small;">             AO-10 Rev. 1/2008           </div>	<b>FINANCIAL DISCLOSURE REPORT</b> <b>FOR CALENDAR YEAR 2008</b>		<i>Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app., 101-111)</i>
<b>1. Person Reporting</b> ( <i>Last name, first, middle initial</i> )  Smith, John B.	<b>2. Court or Organization</b>  U.S. District Court, North Dakota	<b>3. Date of Report</b>  April 16, 2009	
<b>4. Title</b> ( <i>Article III Judges indicate active or senior status; Magistrate Judges indicate full- or part-time</i> )  U.S. District Judge - Senior Status	<b>5a. Report type (check appropriate type)</b> ___ Nomination, Date _____ ___ Initial <u>  X  </u> Annual    ___ Final <b>5b.</b> ___ Amended Report		<b>6. Reporting Period</b>  January 1, 2008- December 31, 2008
<b>7. Chambers or Office Address</b> U.S. Courthouse 44 West 32 <sup>nd</sup> Street Fargo, North Dakota 58107	<b>8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.</b>  Reviewing Officer _____ Date _____		
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.</i>			

*Notes to filer:*

- \_\_\_\_\_ *Are Blocks 1 through 7 filled in?*
- \_\_\_\_\_ *Block 3 should be the date the report is completed.*
- \_\_\_\_\_ *Does Block 4 show your status?*
- \_\_\_\_\_ *Does Block 5 indicate the type of report?*
- \_\_\_\_\_ *Does Block 6 cover the correct reporting period?*

### Commentary

*Blocks 1 through 7 of the heading to the report should be filled in as indicated:*

*Block 6. Reporting Period. The following entry should be made for annual reports:  
January 1, 2008 – December 31, 2008.*

*Block 8. Certification. Reviewing official will sign and date this block when the report is complete. The front page of the Form AO-10 with the reviewing judge's original signature will be returned to the staff of the Committee on Financial Disclosure for permanent filing.*

*Certification by the reviewing judge or staff counsel, as reviewing officials, certifies that the information in the report, any amendments, or attached correspondence has been disclosed in accordance with applicable laws and regulations. The reviewing official has the authority to approve the report as submitted, direct that a letter of inquiry be sent, or waive an error as de minimis and approve the report. The reviewing official can also approve a report and direct that an advisory letter be sent to provide the filer with guidance for future reports. All letters of inquiry are prepared for the Chair's signature on Committee letterhead stationery. The Chair has authority to revise or waive a letter of inquiry and approve a report.*

## INSTRUCTIONS FOR COMPLETING EACH PART

### I. Positions

Only information pertaining to the reporting person is required in this part.

In this part, a complete listing is required of all positions held by the reporting person as an officer, director, executor, administrator, trustee, guardian, custodian, or similar fiduciary, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Disclose your position even if you are not compensated and even if neither you nor a member of your family has any financial interest in the entities herein listed. Please note that positions held are reported in this part while assets owned or held are reported in Part VII. **You need not report any positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature. Section 102(a)(6)(A).**

In completing this part, for annual reports, the reporting period consists of the calendar year preceding the date of the report, and the time to the date of the report. Section 102(a)(6)(A). For initial and final reports, refer to Appendices I and II, respectively, of these instructions.

An interest as a limited partner in an investment partnership, if you have no managerial responsibilities, reflects assets held or owned, but not a position held. The position as such a limited partner need not be reported in Part I, but the interest must be disclosed in Part VII.

For Article III judges, bankruptcy judges, and magistrate judges, the Codes of Conduct for United States Judges specify additional constraints on the positions that may be held. See especially Canon 5. Part-time magistrate judges are governed by special rules as provided in 28 U.S.C. § 632(b) and the Guide to Judiciary Policies and Procedures, Volume II, Chapters I and III.

Additional information – *e.g.*, an opinion from the Committee on the Codes of Conduct, or approval from a Judicial Council – that bears on the question whether a position presents a potential conflict of interest problem or problem under the Code of Conduct for United States Judges should be provided in Part I or Part VIII or on an attached page.

If you did not hold any reportable positions at any time during the reporting period, check the "None" box rather than leaving Part I blank.

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of Instructions.)*

POSITION

NAME OF ORGANIZATION/ENTITY

☐

**NONE** (No reportable positions)

<sup>1</sup> Director

Fargo Boys Club

<sup>2</sup> Trustee

Trust #1

<sup>3</sup>

*Notes to filer:*

\_\_\_\_\_ *Do you have any reportable positions ? If not, is the NONE box checked?*

\_\_\_\_\_ *Did you provide the full name of the position and the organization?*

\_\_\_\_\_ *Does the position appear to represent a conflict of interest?*

\_\_\_\_\_ *Does the position require a listing of assets in Part VII?*

*Commentary*

*In completing this part, the reporting period is not always consistent with the reporting period delineated in Block 6 of the heading. For annual reports, the reporting period consists of the calendar year of the report and the current year up to the date of the report.*

*A power of attorney need not be reported in Part I if it has not been exercised, as for example, if it is conditioned upon an event that has not yet occurred, such as the disability of the grantor. Once a power of attorney has been exercised, it should be reported in Part I, and all investment assets subject to that power of attorney should be disclosed in Part VII. Similarly a filer is not required to report a position as "successor trustee" or similar fiduciary position that is contingent upon an event that has not occurred.*

*The positions a filer can hold are normally determined by the filer's status. Each category is affected by the Canons and statutes governing the creation and duties of the position held. Examples are as follows:*

*Judges*

*A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties. "Member of the*

*judge's family means any relative of a judge by blood, adoption, or marriage or any other person treated by a judge as a member of the judge's family." (Canon 5D.)*

*The duties of a co-trustee are, while nominal, fiduciary in nature. Canon 5D would seem to rule out service as fiduciary for other than a trust for a member of the judge's family. Service as a fiduciary for other than a member of the family is permitted to continue in limited circumstances, as provided in the Code's "Applicable Date of Compliance" section, but this section seems to contemplate a relationship with an individual rather than with a pension plan. In any event, even such a nonfamily fiduciary relationship is to be terminated as stated in the Compliance section. (Advisory Opinion No. 33.)*

[REDACTED]

*Note: A judge may serve as a part-time special lecturer in law or as a faculty member at a law school. It is necessary for the judge to obtain advance approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, before engaging in teaching activity. The normal restrictions on extra judicial compensation apply; the compensation must be reasonable in amount, no greater than a similarly situated non-judge would receive for the same service; the 15% cap on outside earned income is applicable; and the payments must be included in Part III of the report. The teaching duties should not in any way interfere with the performance of judicial duties.*

[REDACTED] (Compendium § [REDACTED])

*In a partnership engaged in real estate investment, a judge may have a passive investment as a general partner. Canon 5C(2) prohibits active business participation.*

*The listing of a position as partner in a business in Part I will ordinarily require a listing of the income and value of the business in Part VII. If the partnership owns or trades in securities and the filer can influence the selection of assets for purchase or sale, the individual stocks and transactions should be reported in Part VII.*

[REDACTED] Compendium § [REDACTED])

*A judge may serve as a member of the board of directors of a nonprofit social club, or a nonprofit club whose object is to promote an interest in and to enlighten its membership on important governmental, economic and social issues, provided that (a) the club does not engage in partisan political activity and (b) the judge does not take positions on governmental, economic, and social issues which would embarrass the judge in the exercise of judicial duties. (Advisory Opinion No. 15.)*

(Compendium § )

*Senior judges designated in 5 U.S.C. app. § 502(b), (justices and senior judges) are excluded from the 15% cap on compensation received from approved teaching. Even if the Ethics Reform Act is satisfied, provisions of the Code of Conduct for United States Judges must also be satisfied.*

#### *Part-time Magistrate Judges*

*Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, or act in any capacity that is inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632(b).)*

#### *Judicial Employees*

*a. No covered senior employee, as defined in the "Regulations of the Judicial Conference of the United States Under Title VI of the Ethics Reform Act of 1989 Concerning Outside Earned Income, Honoraria, and Outside Employment," Guide to Judiciary Policies and Procedures, Volume II, Chapter VI, Part H, shall:*

- (1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;*
- (2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;*
- (3) practice a profession which involves a fiduciary relationship for compensation;*
- (4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or*
- (5) receive compensation for teaching, without the prior notification and approval as herein provided.*

*Note: Senior employees of the Court of International Trade or the Court of Federal Claims must obtain approval from the chief judges of those courts. Senior employees of the Tax Court must obtain approval from the chief judge of the Tax Court. Commissioners and senior employees of the Sentencing Commission shall obtain approval from the Chairman of the Sentencing Commission. Senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.*

*b. Judicial Employees. A judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority. (Code of Conduct for Judicial Employees, Canon 4A.)*

*c. Federal Public Defenders. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not present an appearance of impropriety and does not interfere with the defender employee's primary responsibility to the defender office. (Code of Conduct for Federal Public Defender Employees, Canon 5D.)*



## **II. Agreements**

Only information pertaining to the reporting person is required in this part.

In this part a complete listing is required of any agreement with respect to:

- (a) future employment;
- (b) a leave of absence during government service;
- (c) continuation of payments by a former employer other than the United States; and
- (d) continuing participation in an employee welfare or benefit plan maintained by a former employer.

Report the date, parties, and terms of the agreement. Section 102(a)(7).

For all reports, show any such agreements currently in force.

Any additional information--e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council--that bears upon the question whether an agreement presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part II or on an attached page.

If you did not have any reportable agreements during the reporting period, check the "None" box, rather than leaving Part II blank.

<b>II. AGREEMENTS.</b> <i>(Reporting individual only; see pp. 14-16 of Instructions.)</i>		
	<u>DATE</u>	<u>PARTIES AND TERMS</u>
<input type="checkbox"/>	<b>NONE</b> (No reportable agreements)	
1	2000	Jones & Smith Retirement Plan with former law firm, no control
2	_____	_____
3	_____	_____

*Notes to filer:*

\_\_\_\_\_ *Do you have any reportable agreements? If not, is the NONE box checked?*

\_\_\_\_\_ *Did you list the date, parties, and terms of the agreement?*

\_\_\_\_\_ *Is the agreement permissible?*

Commentary

Continuation of payments by a former employer other than the United States

[REDACTED]  
(Compendium § [REDACTED])

*A termination of partnership agreement provides for payment of an agreed amount representing the retiring partner's interest and some of these payments can be paid in years following the partner's appointment as a United States judge. (Advisory Opinion No. 24.)*

*The Committee on Codes of Conduct is of the opinion that when a partner leaves a law firm to become a federal judge, he should, if possible, agree with his partners on an exact amount which he will receive for his interest in the firm, whether that sum is to be paid within the year or over a period of years. (Id.)*

*Such agreed-upon payments may continue to be made to the judge, provided it is clear (1) that he is not sharing in profits of the firm earned after the judge's departure, as distinguished from sharing in an amount representing the fair value of the judge's interest in the firm, including the fair value of the judge's interest in fees to be collected in the future for work done before leaving the firm, and (2) such judge does not participate in any case in which the former firm or any partner or associate thereof is counsel until the full amount which he or she may be entitled to receive under the agreement has been paid. (Id.)*

[REDACTED]  
(Compendium § [REDACTED] and [REDACTED])

Continuing participation in an employee welfare or benefit plan maintained by a former employer

[REDACTED]  
Compendium § [REDACTED] and [REDACTED])  
[REDACTED]

[REDACTED] Compendium § [REDACTED].)

[REDACTED] Compendium § [REDACTED].)

[REDACTED] (Compendium §§ [REDACTED])

#### Other Employment

*Part-time United States magistrates render such service as judicial officers as is required by law. While so serving, they may engage in the practice of law and, within certain restrictions, engage in any other employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632.)*

*A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge: (1) is not required to comply with Canons 5C(2), D, E, F, and G, and Canon 6C; (2) except as provided in the Conflict-of-Interest Rules for Part-time Magistrate Judges, should not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, or act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.*

*The judge should take reasonable steps to require that law clerks keep the judge informed of their future employment plans and prospects. Participation by the law clerk in a pending case involving the prospective employer may reasonably create an appearance of impropriety and a cause for concern on the part of opposing counsel. A former law clerk should be disqualified from work in the United States attorney's office on any cases that were pending in the court during the law clerk's employment with the court. (Advisory Opinions Nos. 74 and 81.)*

### **III. Non-investment Income**

Information pertaining to the reporting person and the spouse, as noted, is required in this part.

#### **A. General Non-investment Income**

In this part, report non-investment income from whatever source, including but not limited to these items: compensation for services, including fees, commissions, etc.; income derived from business; royalties from intellectual property such as copyrights; and fixed benefits from vested pension plans. Amounts reported should be net income, except income derived from a business can be listed as net or gross and indicated as such. Section 109(7).

Report the source, type, amount, or value of income from any source aggregating \$200 or more in value. Honoraria are treated differently. Section 102(a)(1)(A). See Part III B. below. See below for specific exemptions.

If a spouse is self-employed in business or a profession, only the nature of such business or profession and the words "self-employed" should be reported (e.g., self-employed attorney or self-employed financial consultant). A spouse is "self-employed" with regard to the net earnings derived from a profession or business carried on by the spouse as a sole proprietor or a partnership of which the spouse is a member. See Treas. Reg. 26 C.F.R. § 1.1401-1(c). Otherwise, for spouses, report the source of items of earned income from any person which exceeds \$1,000 and the source and amount of any honoraria which exceed \$200.

Each filer must complete Part III A., and if married during any portion of the reporting period, provide the information in Part III B. for his or her spouse. The amount of earned income in Part III B. need not be shown except for honoraria.

#### **You are not required to disclose in Part III the following:**

- compensation for current employment by the United States. Section 102(a)(1)(A).
- income that from a single source did not aggregate \$200 or more during the reporting period. Section 102(a)(1)(A).
- the amount of the spouse's "earned income," or any information about that "earned income" that from a single source did not aggregate more than \$1,000 during the reporting period. Section 102(e)(1)(A).
- any information about dependent children's non-investment income. Section 102(e)(1)(A).

- information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution or permanent separation. Section 102(e)(2).
- any political campaign funds, including campaign receipts. Section 102(g).
- income derived from any retirement system under title 5, United States Code (including the Thrift Savings Plan under Subchapter III of Chapter 84 of such title) or any other retirement system maintained by the United States for officers or employees of the United States. Section 102(i)(1).
- benefits received from Social Security. Section 102(i)(2).
- death benefits under insurance policies, gifts, inheritances, tort recoveries and other compensation for injuries and sickness, disability compensation, and veteran's benefits.

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of Instructions.)*

	<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS AMOUNT</u>
<b>A. Filer's Non-Investment Income</b>			
	<input type="checkbox"/>	<b>NONE</b> (No reportable non-investment income.)	
1	2008	East Publishing Company, book royalties	\$ 3,000
2	2008	WV Law School - teaching	\$ 4,500
<b>B. Spouse's Non-Investment Income - If you were married during any portion of the reporting period, please complete this section (dollar amount not required except for honoraria).</b>			
	<input type="checkbox"/>	<b>NONE</b> (No reportable non-investment income.)	
1	2008	Jones, Jackson, and Hancock - salary	
2	2008	self-employed writer	

*Notes to filer:*

\_\_\_\_\_ *Do you have any reportable non-investment income over \$200.00?*

\_\_\_\_\_ *Does your spouse have any reportable non-investment income over \$1,000.00?*

- \_\_\_\_\_ *If no reportable income, is the NONE box checked?*
- \_\_\_\_\_ *Is the date, source, type, and amount for your reportable income reported?*
- \_\_\_\_\_ *Is the income subject to the 15% limitation (\$25,830) for calendar year 2008?*
- \_\_\_\_\_ *Is the income an honorarium or reported as such?*

*Commentary*

*Although various types of non-investment income have been listed, some elaboration on several sources of income may be useful to provide a clearer distinction between non-investment and investment income.*

*No income should be disclosed in this part if it is derived from an investment asset that should be reported in Part VII. Thus, a "royalty" received from the use or sale of copyright, patent, or other legally recognized intellectual property rights should be reported in Part III, but a "royalty" or any other payment from ownership or investment in oil, gas, or other mineral interests or enterprises should be disclosed in Part VII.*

*Annuity Income: Income received from an annuity purchased by the filer should be reported in Part VII rather than in Part III as it represents a return on the filer's investment. Similarly, where a filer has converted an IRA or other account to an annuity, the value of the annuity and income paid pursuant to the annuity should be reported in Part VII as an investment asset. Income received from an annuity that was purchased by an employer and in which the filer does not have ownership of the contract or the underlying assets should be reported in Part III as a form of deferred compensation.*

*Income received from a life insurance policy is not reported in Part III, but certain types are reported in Part VII.*

*Special attention will be given to the review of nomination and initial reports. The filer must report compensation, other than from the United States Government, in excess of \$5,000 in any of the two calendar years prior to the calendar year during which a first report is filed.*

B. Outside Employment and Honoraria

**Special attention should be given to regulations relating to Outside Employment and Honoraria at Appendix III.**

Covered Senior Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, covered senior employees, other than justices of the United States who retired from regular active service under Section 371(b) of title 28, United States Code; judges of the United States who retired from regular active service under Section 371(b) of title 28, United States Code and who have met the requirements of subsection (f) of Section 371(b) of title 28, United States Code, as certified in accordance with such subsection; and justices and judges of the United States who retired from regular active service under Section 372(a) of title 28, United States Code and who receive compensation for teaching, are prohibited from:

- Receiving more than 15% of the pay rate for Executive Level II in earned income from outside employment if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant (See 5 U.S.C. § 5313 for the pay rate for Executive Level II). 5 U.S.C. app. § 501(a)(1). Those covered by the provisions of this Act for only a portion of a year, must pro-rate the 15% on the basis of the number of days the person will actually work in that calendar year. 5 U.S.C. app. § 501(a)(2).
- Being affiliated with or being employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation, serving for compensation as an officer or member of the board of any association, corporation, or other entity. 5 U.S.C. § 502.
- Receiving compensation for teaching without prior notification and approval from the appropriate official, if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant. See Section 5 of Appendix III for the procedures for requesting approval. 5 U.S.C. app. § 502.

NOTE: Covered senior employees are defined by Judicial Conference approved regulations as all judicial officers (except for part-time magistrate judges), commissioners and staff of the Sentencing Commission, the Director and Deputy Director of the Administrative Office of the United States Courts, and senior employees of the Administrative Office of the United States Courts serving at the pleasure of the Director (Schedule C status).

#### Judicial Officers and All Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, all judicial officers and all employees of the judicial branch are prohibited from accepting honoraria for any "appearance, speech, or article." Actual and necessary travel expenses incurred by the person and one relative are not deemed to constitute honoraria. 5 U.S.C. app. § 501(b).

- No judicial officer or employee of the judicial branch (except for part-time magistrate judges) may accept honoraria, but a payment may be made on behalf of such officer or employee to a charitable organization in lieu of the honorarium, so long as the payment does not exceed \$2,000 and is not made to a charitable organization from which the filer or the filer's parent, sibling, spouse, child, or dependent relative derives any financial benefit. 5 U.S.C. app. § 501(b) and (c). In such instances, the filer should report the source, date, and amount of payments made to charitable organizations in lieu of honoraria and shall simultaneously file with the Committee on Financial Disclosure, on a confidential basis, a corresponding list of recipients of all such payments together with their dates and amounts. Section 102(a)(1)(A).

#### C. General Provisions

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(1)(A). For initial and final reports, see Appendices I and II, respectively, for the appropriate reporting periods.

If neither you nor a spouse had any reportable income during the reporting period, check the "None" boxes rather than leaving Part III A or Part III B blank.

#### Commentary

*Contained within these Instructions and Appendix III are detailed instructions and regulations relating to limitations imposed on certain judicial officers and employees with respect to certain types of outside employment and income. Several important guidelines need to be emphasized for the benefit of the reviewing official.*



*Covered senior employees (defined in the cited appendix) are prohibited from receiving more than 15% of the pay rate for Executive Level II (\$172,200 during 2008) in earned income from outside employment. The limitation for 2008 is \$25,830. However, senior judges who receive compensation for teaching, part-time magistrate judges, officers and employees of the Supreme Court, and employees of the Federal Judicial Center are exempted as to teaching income and are not restricted to this outside income limitation.*

*In addition, all judicial officers and all employees of the judicial branch (except for part-time magistrate judges) are prohibited from accepting honoraria for any "appearance, speech, or article." Any filer listing honoraria will be questioned for clarification and may eventually be referred to the Committee on Codes of Conduct for an advisory opinion.*

*Frequently, difficulty arises for the reviewing official and staff examiner concerning what constitutes outside earned income (which is attributed solely to the filer and not to the spouse). The following lists common examples of compensated activities which are subject to the calendar year income limitation, less the ordinary and necessary expenses paid or incurred in producing the income:*

- (1) teaching,*
- (2) serving as trustee of a family trust or executor of a family estate, and*
- (3) writing.*

*In addition, the following common examples do not constitute outside earned income and have no limitations imposed on the filer:*

- (1) pensions, annuities, and deferred compensation for services rendered prior to becoming a judicial officer or senior employee,*
- (2) investment funds,*
- (3) funds received from a family owned business,*
- (4) publication royalties, fees, and their functional equivalent, and*
- (5) compensation received by a senior judge for teaching.*

*Advisory Opinion Number 86, "Honoraria, Teaching, and Outside Earned Income Limitation," provides detailed interpretation on these issues and may serve as a helpful guideline. In addition, the following are summaries contained in Compendium, Sections 31-35 (2007), concerning recent advice given by the Committee on Codes of Conduct in response to confidential inquiries:*

#### *Outside Earned Income Limitation*

- (1) [REDACTED]*

[REDACTED]  
(Compendium § [REDACTED])

(2) [REDACTED]  
[REDACTED]  
(Compendium § [REDACTED])

(3) [REDACTED]  
[REDACTED] (Compendium § [REDACTED])

(4) [REDACTED]  
[REDACTED] (Compendium § [REDACTED])

Prohibition on Receipt Of Honoraria

(1) [REDACTED]  
[REDACTED] (Compendium § [REDACTED])

(2) [REDACTED]  
[REDACTED] (Compendium § [REDACTED])

(3) [REDACTED]  
[REDACTED] (Compendium [REDACTED])

(4) [REDACTED]  
[REDACTED]  
[REDACTED] (Compendium § [REDACTED])

(5) [REDACTED]  
[REDACTED] (Compendium § [REDACTED])

(6) [REDACTED] (Compendium § [REDACTED])

Limitations On Outside Employment

(1) [REDACTED] (Compendium § [REDACTED])

(2) [REDACTED] (Compendium § [REDACTED])

(3) [REDACTED] (Compendium § [REDACTED])

(4) [REDACTED] (Compendium § [REDACTED])

(5) [REDACTED] (Compendium § [REDACTED])

#### **IV. Reimbursements**

Information pertaining to the reporting person, spouse, and dependent children, as noted, is required in this part.

In this part, report information about reimbursements received by you, your spouse and dependent children, exclusive, however, of any items received by them totally independent of their relationship to you. Sections 102(a)(2)(A) and (C); and 102(e)(1)(C) and (D).

A reimbursement means any payment or other thing of value, other than gifts, to cover travel related expenses, whether those expenses were paid directly by a third party or a travel voucher for reimbursement was required. Examples of reportable reimbursements include seminars, moot court competitions, judges' association meetings, and other similar activities where your expenses (travel, food, lodging, seminar fees, and other miscellaneous fees) are paid by a non-governmental organization or a private party. Section 109(15).

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(2)(B). For initial and final reports, see Appendices I and II, respectively, for the appropriate reporting period.

In this part, you should identify the source of funding, the dates of travel, the location of the trip, the purpose for the trip, and nature of expenses provided, for reimbursements received from any single source aggregating more than \$335 in value. It is not necessary to include the dollar value of a travel reimbursement. Section 102(a)(2)(B).

#### **You are not required to report in Part IV:**

- food, lodging, or entertainment received from a relative. Section 102(a)(2)(A).
- food, lodging, or entertainment received as personal hospitality. Section 102(a)(2)(A).
- reimbursements received by your spouse and dependent children, independently of their relationship to you. Section 102(e)(1)(C) and (D).
- reimbursements received in a period when you were not an officer or employee of the federal government. Section 102(h).
- food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States, the District of Columbia, or a state or local government or political subdivision thereof; food and beverages not consumed in connection with a gift of overnight lodging; Section 109(5).

- reimbursements provided by the United States, the District of Columbia, or a state or local government or political subdivision thereof; required to be reported under 5 U.S.C. § 7342; or required to be reported under 2 U.S.C. § 434. Section 109(15).

Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiance or fiancée of the reporting person. Section 109(16).

Personal hospitality means hospitality extended for a nonbusiness purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(14).

Beginning on January 1, 1991, in accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, officers and employees are prohibited from soliciting or accepting anything of value from a person seeking official action from, doing business with, or whose interests would be substantially affected by, the performance or nonperformance of official duties. 5 U.S.C. § 7353. This prohibition applies to all reimbursements and gifts covered in Parts IV and V of the Financial Disclosure Report.

If you, your spouse, and your dependent children did not receive any reimbursements reportable in Part IV, check the "None" box rather than leaving Part IV blank.

**IV. REIMBURSEMENTS** - *transportation, lodging, food, entertainment*  
(Includes those to spouse and dependent children. See pp. 25-27 of Instructions.)

☐ **NONE** (No reportable reimbursements)

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1	Staley Foundation	6-15-08	Haymarket, VA	Bd. of Directors Mtg.	Transportation, meals, hotel
2	FREE Foundation	Aug. 7-14 2008	Butte, MT	Environmental Seminar	Transportation, meals, lodging, tuition
3	VA CLE	Nov. 7-8, 2008	Williamsburg, VA	Tax CLE (teach)	Transportation, food, hotel
4					
5					

\_\_\_\_\_ Do you, your spouse, or any dependent child have any reportable reimbursements or expense paid education or other trips? If not, is the NONE box checked?

\_\_\_\_\_ Did you complete all subparts of the form for each reimbursement?

\_\_\_\_\_ Can the reimbursement be accepted by you, your spouse, or dependent child?

*The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.*

Compendium §

*A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this Code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by a judicial employee and, where appropriate to the occasion, by the judicial employee's spouse or relative. Any payment in excess of such an amount is compensation. (Code of Conduct for Judicial Employees, Canon 4E.)*

## **V. Gifts**

Information pertaining to the reporting person, spouse, and dependent children, as noted, is required in this part.

In this part, report information about gifts other than transportation (or lodging, food or entertainment in connection with transportation that is furnished or reimbursed), aggregating more than \$335 in value received by you, your spouse and dependent children from any source other than a relative during the preceding calendar year. A gift of lodging or entertainment not incident to travel which exceeds \$335 must be reported in this part. Gifts from separate sources with a fair market value of \$134 or less need not be aggregated to determine if the \$335 reporting threshold has been met. Section 102(a)(2)(A).

A gift is a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. Section 109(5).

If you have been extended an honorary membership in an organization and you avail yourself of the privileges, rights, etc., to a substantial degree, and the dues are in excess of \$335 per year, you must report the honorary membership in this part. *Please note that as of October 13, 2008, judges are prohibited by Pub. L. No. 110-402 from accepting honorary club memberships with a value greater than \$50.00.*

### **You are not required to disclose information about:**

- gifts received from a relative. Section 102(a)(2)(A).
- gifts received by a spouse and dependent children, totally independent of their relationship to you. Section 102(e)(1)(C).
- gifts received in a period when you were not an officer or employee of the federal government. Section 102(h).
- gifts that are bequests and other forms of inheritance. Section 109(5)(A).
- communications to the offices of a reporting person, including subscriptions to newspapers and periodicals. Section 109(5)(E).
- suitable mementos of a function honoring the reporting person. Section 109(5)(B).

If you, your spouse, and your dependent children did not receive any gifts reportable in Part V, check the "None" box rather than leaving Part V blank.

For the definition of relative, refer to Part IV of these instructions.

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(2)(A). For initial and final reports, see Appendices I and II, respectively, for the appropriate reporting period and rules.

**V. GIFTS.** *(Includes those to spouse and dependent children. See pp. 28-31 of Instructions.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
	<input type="checkbox"/> <b>NONE</b> (No such reportable gifts)		
1	Clyde Monet	Tickets to World Cup games	\$ 350.00
2	The Executive Club	Honorary Membership (dues, like privileges)	\$ 1200.00
3			\$

*Notes to filer:*

\_\_\_\_\_ *Do you, your spouse, or any dependent child have any reportable gifts other than transportation, lodging, food, or entertainment? If not, is the NONE box checked?*

\_\_\_\_\_ *Did you list the identity of the source, a description of the gift, and the actual dollar value?*

\_\_\_\_\_ *Can the gift be accepted?*

*Commentary*

*If stock is listed as a gift, the stock should also be reported in Part VII, Investments and Trusts.*

*The value of a gift is shown by a dollar amount, not by a value code.*

*If the gift is from an individual, the individual must be specifically named. It is not acceptable to identify the source of the gift as "boyfriend," "girlfriend," "friend," or "significant other."*

*The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.*



(a) Compendium §

(c) [REDACTED] (Compendium § [REDACTED])

### Gifts on Special Occasions

(d) [REDACTED]

(Canon 2B and Compendium § [REDACTED].)

Miscellaneous Gift Rulings

(a) [REDACTED]  
(Compendium § [REDACTED].)

(b) [REDACTED] (Compendium § [REDACTED])  
[REDACTED]

(c) [REDACTED]  
[REDACTED] (Compendium § [REDACTED])

(d) *It is permissible for a judge to attend, and accept hospitality at bar association events and meetings of other organizations devoted to improvement of the law, legal system, or the administration of justice. With respect to attendance at cocktail parties hosted by law firms in connection with bar meetings, judicial conferences, and the like, there is no impropriety in a judge accepting such invitations in the absence of reason to believe that such attendance will reasonably reflect unfavorably on the judge's impartiality or is likely to be exploited by the law firm. (Advisory Opinion No. 17.)*

(e) [REDACTED]  
[REDACTED] (Compendium § [REDACTED].)

## **VI. Liabilities**

Information pertaining to the reporting person, spouse, and dependent children is required in this part.

In this part, list all of your, your spouse's and dependent children's liabilities to any creditor other than a spouse, parent, brother, sister, or child, which exceeded \$10,000 at any time during the reporting period. Sections 102(a)(4) and 102(e)(1)(E).

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(4). For initial and final reports, see Appendices I and II, respectively, for the appropriate reporting periods.

In this part, list the identity and category of value of each liability. The identity includes the name of the creditor and a description of the liability. Section 102(a)(4). To assist the reviewer, liabilities should be listed in the same order as in the previous report.

The category codes for the amount owed as of the end of the reporting period governed by Section 102(d)(1) of the Act and are shown on the report as follows:

J - \$15,000 or less	O - \$500,001 to \$1,000,000
K - \$15,001 to \$50,000	P1 - \$1,000,001 to \$5,000,000
L - \$50,001 to \$100,000	P2 - \$5,000,001 to \$25,000,000
M - \$100,001 to \$250,000	P3 - \$25,000,001 to \$50,000,000
N - \$250,001 to \$500,000	P4 - more than \$50,000,000

For ongoing obligations such as tuition agreements, reportability turns on the terms of the obligation itself. For tuition agreements, the obligation is reportable as a liability if the filer, spouse, or child is obligated to make payments which total more than \$10,000 during the reporting period, regardless of whether the student continues in the school.

The reporting requirement relates to obligations that at any time during the reporting period exceeded \$10,000, but the amount to be shown by the category code is the amount owed as of the end of the reporting period. If the debt was entirely repaid before the end of the reporting period, enter "None."

### **You are not required to report:**

- any liability owed to a spouse, parent, brother, sister, or child. Section 102(a)(4).
- any mortgage, home equity loan, or line of credit secured by real property which is a personal residence of you or your spouse. Section 102(a)(4)(A).

- any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability. Section 102(a)(4)(B).
- any information with respect to a spouse living separate and apart from you with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution of the marriage or permanent separation. Section 102(e)(2).
- any revolving charge account whose balance did not exceed \$10,000 as of the close of the preceding calendar year.
- political campaign funds, including campaign receipts and expenditures. Section 102(g).
- any liability which is the sole liability or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of investments and trusts, see the Instructions for Part VII.

If you, your spouse, and dependent children did not have any reportable liabilities, check the "None" box rather than leaving Part VI blank.

**VI. LIABILITIES.** *(Includes those of spouse and dependent children. See pp. 32-33 of Instructions.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE*</u>
<input type="checkbox"/>	<b>NONE</b> (No reportable liabilities)		
1	Old National Bank	Credit Card	L
2	Bank of America	Mortgage on Rental Prop. #1, Alexandria, VA (Pt VII, line 2)	M
*Value Codes: J=\$15,000 or less   K=\$15,001-\$50,000   L=\$50,001-\$100,000   M=\$100,001-\$250,000   N=\$250,001-\$500,000 O=\$500,001-\$1,000,000   P1=\$1,000,001-\$5,000,000   P2=\$5,000,001-\$25,000,000   P3=\$25,000,001-\$50,000,000 P4=\$50,000,001 or more			

*Notes to filer:*

\_\_\_\_\_ *Do you, your spouse, or dependent child have any reportable liabilities over \$10,000?*

\_\_\_\_\_ *Did you list the identity of the creditor, a description of the liability, and a value code for the amount?*

\_\_\_\_\_ *If a mortgage is listed, is there a corresponding entry for the property in Part VII?*

## **VII. Investments and Trusts**

Information pertaining to the reporting person, spouse, and dependent children is required in this part.

### **A. General**

In this part, a complete listing is required of reportable assets owned by the reporting person, spouse, and dependent children. **Each asset must be individually listed and identified except as may be specifically provided otherwise (see Trusts, page 58).** Bank or brokerage house reports are not acceptable for compliance with these reporting requirements unless they succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. The use of bank or brokerage house statements as an alternative form of filing must have the advance approval of the Committee in accordance with page 6 of the filing instructions. Any request should be made sufficiently in advance of the filing deadline to permit careful consideration and discussion with the reporting person.

Report assets held during the preceding calendar year in a trade or business, or for investment or the production of income, which have a fair market value in excess of \$1,000 at the end of the year or from which you received income in excess of \$200 during the preceding calendar year. Sections 102(a)(3) and 102(a)(1)(B).

#### **You are not required to report:**

- Investments in the Thrift Savings Plan. Section 102(i)(1)(A).
- Any property, real or personal, not held in a trade or business, or for investment or the production of income. As examples, you need not report a private residence or personal automobiles. Section 102(a)(3).
- Any personal liability owed to you, your spouse, or dependent children by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1).
- Accounts in a financial institution (any form of deposit in a bank, savings and loan association, credit union, or similar financial institution), unless the aggregate amount of income for all an individual's income producing accounts at the institution for the reporting year is in excess of \$200, or the aggregate value at the end of the reporting year of all such income producing accounts is more than \$5,000. If either condition is met, the name of the financial institution, the amount of income, and the value of the accounts must be disclosed. Sections 102(a)(1)(B) and 102(a)(3).

- Asset information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation. Section 102(e)(2).
- Political campaign funds, including campaign receipts and expenditures. Section 102(g).
- In Part VII, information associated with property which is the sole financial interest or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of liabilities, see the Instructions for Part VI.

To help reporting persons in instances where a position held in an economic entity may have a bearing on reporting requirements, the following should be used as guidance:

When a financial disclosure report contains information reflecting a filer's interest in a partnership or other business enterprise, the filer must disclose the assets held by the business entity if a filer can direct, influence or in any other manner affect the purchase, exchange, sale or disposition of the entity or property owned by the entity, or when the filer can influence policy decisions which affect the purchase, exchange, sale or disposition of the entity or of property which it owns.

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(1)(B). For initial and final reports, see Appendices I and II, respectively, for the appropriate period.

If you, your spouse, and dependent children did not have assets subject to reporting, check the "None" box rather than leaving Part VII blank.

### Commentary

*Filers should compare the list of assets in Part VII from their prior report and their current report and ensure that an explanation is provided for every asset that does not appear on both reports. In most cases, this explanation would be the reporting of a transaction in Column D. In other cases, a parenthetical "(X)" or "(Y)" in Column A or a note in Part VIII would be appropriate. See pages 39-42, 52, 53, and 61 for detailed instructions and examples on these matters.*

*Investment income is to be contrasted with earned income. The crucial factor is the filer's services. If the filer's services are a material factor in the production of income, it is earned income and should be reported in Part III. However, limited partners usually receive investment income from the partnership, since they normally do not perform services for the partnership. Investment income includes returns on investments rather than compensation for personal*

*services. It includes income derived from all forms of property, such as securities, funds, accounts, real estate, partnerships, joint ventures, businesses, and interests in trusts and estates.*

*An investment asset must be reported if either the income or value threshold is met:*

- a) If the interest-bearing deposit accounts (savings, checking, or money market) in a bank or similar financial institution (credit union, savings & loan) produced more than \$200 in income or had a value greater than \$5,000, the name of the financial institution, the amount of income, and the value of the accounts must be disclosed;*
- b) If any other asset (stocks, bonds, mutual funds, real estate) produced more than \$200 in income or had a value greater than \$1,000, at the end of the reporting period, the asset, its income, and its value must be disclosed.*

*Normally, any information pertaining to a personal residence is exempted from reporting. However, a second personal residence (e.g., a weekend or vacation home) should be reported if rental income is received for the use of the property.*

*The reporting of accounts in a financial institution does require some clarification. If the aggregate amount of income for all of an individual's accounts or the value of all such income producing accounts exceeds the established thresholds, then the aggregate totals for all accounts in that institution should be reported. It is important to apply the "threshold test" separately to each individual owner of the accounts, which would include the following:*

- (1) accounts individually owned by filer,*
- (2) accounts individually owned by spouse,*
- (3) accounts individually owned by dependent child, and*
- (4) accounts jointly owned by filer and spouse or dependent child.*

*It should be understood that a reporting exemption for failure to meet a threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.*

## B. Description of Assets

In completing Part VII, a separate description of each asset listed is required. To assist the reviewer, assets should be listed in the same order as in the previous report. Each asset reported should be described in sufficient detail so the reader can tell what the property is. As examples:

- For stocks, bonds, and other securities indicate the type of the holding, "common," etc., and its name. Commonly understood abbreviations are permitted such as stock ticker symbols (e.g., "JNJ" for "Johnson & Johnson") or trademarked names (e.g., "GE" for "General Electric" or "GM" for "General Motors").
- For a cash equivalent account (savings, interest checking, money market, CDs) within a bank, credit union, savings and loan, or similar financial institution (distinguished from accounts invested in stocks and bonds) valued at or aggregating over \$5,000, list the name of the institution (e.g., Bank of America or Federal Courts Savings and Loan) followed by "Account" (or "Accounts," if there is more than one account). Do not list account numbers or addresses for a financial institution or its branches. You need not indicate the precise type of cash equivalent account (e.g., "checking," "savings," "N.O.W."). Information for all cash equivalent accounts at each institution may be aggregated.
- For a brokerage account or stock management account with a financial management company, bank, or similar financial institution, list the individual stocks, the full names of mutual funds or money market funds, bonds, cash equivalent accounts, and other assets therein. You also should include the name of the financial institution or brokerage account when it is part of the name of the asset (e.g., Fidelity Money Market Fund or Vanguard cash holding account). Account headers may be used for ease of reporting but are not required and should not include addresses or account numbers (e.g., SunTrust Bank Brokerage Account or Brokerage Account #1).
- For notes or accounts receivable, indicate the nature of the receivable and the name of the debtor(s).
- For each real estate interest, indicate the general geographic location, such as city or county and state. If more than one parcel of real estate is owned in the same geographic area, you may identify each parcel by number, i.e., Parcel 1, 2, 3, etc., rather than identifying each parcel by street address, lot, or block number.
- For an interest in a trust, indicate the nature of the interest (e.g., "income beneficiary") and the name (if appropriate) of the trust.
- For an interest in a mutual fund or pooled or common trust fund administered by an independent financial or brokerage institution, furnish the name of the specific fund (e.g., Kemper-Dreman Financial Services Fund B).



- For each royalty or other mineral interest (including oil and gas):
  - (a) Royalty interest in minerals - an interest in minerals in a particular parcel of real property (whether or not the filer owns the surface rights), and regardless of whether minerals are currently being produced, should be reported as a real property interest - the description in Part VII, Column A, should indicate "Mineral Interest" or "Royalty Interest" and indicate the city or county and state in which the property is located. For example: "Royalty Interest, Clay County, Kansas."
  - (b) Investor interest in mineral production enterprise - an investment in a mineral production enterprise for a percentage interest in the profits should be described in Part VII, Column A by listing the name of the enterprise and the location of the business, but not the locations of wells. For example: "ABC Joint Venture - Oklahoma City, OK." The income description in Column B(2) may be "Royalty" (if the filer receives a fixed payment for each barrel, ton, or other unit of production) or "distribution" (if the filer receives a share of the profits).
  - (c) Working interest in minerals - a participation in the drilling enterprise in minerals owned by the filer (where the filer has elected to take a share of production profits rather than a royalty payment) should be listed in Part VII, Column A as "working interest" with the name of the well or mine, and the county and state in which it is located. For example: "Working Interest - Clay #1, Sand County, MO." The income description in Column B(2) should be "royalty."
- An interest in the investment value of an annuity should be reported in Part VII, whether or not contributions are continuing to be made.
- Life insurance policies are issued in two basic varieties: "term" and "cash value" insurance.

Term insurance pays a benefit if the insured person dies during the term of the policy and when the policy expires, no value remains. As the insured person does not have an ownership interest in the value of the policy, term insurance is not reportable in Part VII.

Cash value insurance is part insurance and part investment. Such policies require premiums during the life of the insured person in exchange for a fixed sum of money to a beneficiary when the insured person dies. A part of the premiums pays for the expense of the insurance portion of the policy, and the remainder goes into a tax-deferred cash reserve which is invested and builds the policy's cash value. An insured person would have an ownership interest in the investment portion of such a policy that would be reported in Part VII. The filer would have no control over the assets of a "whole life" or "universal life" policy. For these types of policies, the filer should report in Column A the name of the insurance company and the type, for example, "Prudential Whole Life" or "Metlife: Universal

Variable."

Generally, the purchaser of an insurance policy does not select specific investment funds other than a general category of risk, e.g., high, medium, or low-risk. Under a "variable" or "universal variable" policy that allows the insured person to choose specific investments from options offered by the insurer, the filer should report in Column A the name of the insurance company and the fund that he or she has selected, for example, "Prudential Variable Life: Prudential Money Market Fund." If assets were allocated to more than one fund, all funds to which investments were allocated should be reported.

- Educational savings plans must be reported if the filer, the filer's spouse, or dependent child has the present right to access or control the account or its contents. If the plan allows for the selection of assets within the account (beyond merely selecting a category of risk, e.g., high, medium, low, or an "age based" strategy), then the plan is considered self-directed and every asset in excess of \$1,000 in value or which pays or accrues more than \$200 in income must be reported, even if investment decisions are deferred to a plan manager. However, if it is not possible to select the assets within the plan, or if it is possible to select only the level of risk (such as in many state sponsored plans and prepaid tuition credit plans), the filer needs to report in Column A only the specific name of the plan and not the underlying assets.

At times, reporting persons inadvertently omit the listing of assets, and correct the previous year's errors in the following year's report. Also, assets which were reported in one year may fail a qualifying requirement (such as a value of \$1,000) in the following year and thus are not reported. When this occurs, the asset should be listed in Part VII, Column A, along with a parenthetical "(Y)," or a note should be included in Part VIII with a reference in Part VII, to avoid a letter of inquiry (see instructions on page 53).

In addition, identify with a parenthetical "(X)" assets which become reportable without a corresponding reportable transaction, such as previously owned assets which increase in value above the reporting thresholds, assets received as gifts from family members, or assets belonging to a spouse which became reportable during the reporting period upon the filer's marriage. This should preclude a letter of inquiry from the Committee (see instructions on page 52).

**VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions** *(Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)*

A. Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1 Oracle Common Stock (Y)									
2 Rental Property #1, Alexandria, VA (1995 \$200,000)	A	Rent	O	R					
3 Bank of America (IRA) (CDs)	B	Interest	K	T					
4 Cabin Creek National Bank Stock (X)	A	Dividend	J	T					
5 Fidelity Magellan K Mutual Fund	B	Dividend	K	T					
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest	J	T					
7 Mineral rights, Parcel 1, Oil County, Oklahoma (Purchase 1950, \$10,000)		None	J	R					
8 ABC Drilling Partners, Tulsa, OK	B	Dist.	M	W					
9 Working Interest - Spindletop #2, Hard Rock County, OK	C	Royalty	J	W					
10 Brokerage Account #1									
11 - Fidelity Money Market Account	A	Interest	J	T					
12 - ABC Company Stock	B	Dividend	K	T					
13 - XYZ Corporate Bonds	A	Interest	K	T					
1	Income/Gain Codes: A=\$1,000 or less B=\$1,001-\$2,500 C=\$2,501-\$5,000 D=\$5,001-\$15,000 E=\$15,001-\$50,000 (See Col. B1, D4) F=\$50,001- \$100,000 G=\$100,001-\$1,000,000 H1=\$1,000,001-\$5,000,000 H2=More than \$5,000,000								
2	Value Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001- \$100,000 M=\$100,001-\$250,000 (See Col. C1, D3) N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=More than \$50,000,000								
3	Value Method Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market (See Col. C2) U=Book value V=Other W=Estimated								

**VII. Page 2 INVESTMENTS and TRUSTS -- income, value, transactions** *(Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)*

A. Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period					
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure				
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)	
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)										
14 - DEF Aggressive Growth Mutual Fund	C	Dividend	L	T						
15 Prudential: Variable Life Policy	B	Interest	L	T						
16 Circus Enterprises	A	Dividend	J	T						
17 Cotton Candy Co. (Spinoff of Circus Enterprises)		None	J	T						
18 General Motors Bonds (X)	A	Interest	M	T						
19 General Mills Bonds	A	Interest	M	T						
20 General Foods Bonds	A	Interest	M	T						
21 Robert Thomas, personal loan - note receivable	A	Interest	J	T						
22 Time Warner (formerly known as AOL Time Warner)	A	Dividend	K	T						
1 Income/Gain Codes: (See Col. B1, D4)	A=\$1,000 or less F=\$50,001- \$100,000	B=\$1,001-\$2,500 G=\$100,001-\$1,000,000	C=\$2,501-\$5,000 H1=\$1,000,001-\$5,000,000	D=\$5,001-\$15,000 H2=More than \$5,000,000	E=\$15,001-\$50,000					
2 Value Codes: (See Col. C1, D3)	J=\$15,000 or less N=\$250,001-\$500,000 P3=\$25,000,001-\$50,000,000	K=\$15,001-\$50,000 O=\$500,001-\$1,000,000 P4=More than \$50,000,000	L=\$50,001- \$100,000 P1=\$1,000,001-\$5,000,000	M=\$100,001-\$250,000 P2=\$5,000,001-\$25,000,000						
3 Value Method Codes: (See Col. C2)	Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market						

*Notes to Filer:*

- \_\_\_\_\_ *Do you identify the asset in Column A in sufficient detail to clearly identify the type of property? If no assets are listed, is the NONE box checked?*
- \_\_\_\_\_ *If a real estate interest is listed, is the city or county and state listed?*
- \_\_\_\_\_ *If a financial institution is listed, is the institution clearly identified?*
- \_\_\_\_\_ *If a note or account receivable is listed, are the debtor names and the nature of the debt described?*
- \_\_\_\_\_ *If a gas, oil, or mineral interest is listed, do you identify the city or county and state and the name of the energy company or other payor of royalties, working interests, or rentals?*
- \_\_\_\_\_ *Do you clearly identify stocks, bonds, mutual funds and the underlying assets of IRAs and brokerage accounts?*
- \_\_\_\_\_ *If the asset was not listed on the previous report, do you include transactional information in Column D or a parenthetical "(X)" in Column A denoting that the asset was not previously reportable?*
- \_\_\_\_\_ *If the asset was listed on the previous report, do you include transactional information in Column D or a parenthetical "(Y)" in Column A denoting that the asset is no longer reportable?*
- \_\_\_\_\_ *If you listed a position in Part I as trustee, administrator, custodian, etc., is the estate or trust listed and are the assets therein properly identified?*

*Commentary*

*When listing stocks, bonds, and other securities, the individual name or commonly understood abbreviation should be provided. Stocks should be indicated as "common" or "preferred." Bonds and other securities should have enough detail in the description to differentiate that asset from other similar assets listed. This is particularly helpful for the reviewer and examiner when the filer reports multiple bonds or securities in the same or similar series, or brokerage accounts that list accounts in the name of the firm.*

*When reporting accounts with financial institutions, the type of account does not need to be listed.*

*When reporting an interest in a mutual fund or common trust fund, the name of the specific fund is required, e.g., Kemper-Dreman Financial Services Fund B. There is no requirement to list the individual assets. An interest in a trust, estate, or similar entity*

*requires the listing of each individual asset unless the exemptions from disclosure of the individual assets in paragraph 7B. Trusts (page 58 of the filing instructions) are met.*

*The reviewer and examiner will note when an asset appears on the current report and is not listed on the prior report and there is no transaction information in Column D. In this situation, the filer should place a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure in the prior report.*

*It is important to recognize that in almost every instance where a filer is a trustee, executor, administrator, custodian etc., the filer has the legal authority and responsibility to exercise control over and manage the assets in a trust or estate. It is this authority based on the filer's fiduciary responsibilities to control the purchase, sale, or other disposition of the assets that requires the filer to list the assets in this part.*

*Filers should take special care when disclosing an IRA. They are merely arrangements for holding other investments on a tax-deferred basis. The focus should be placed on the underlying investments which should be disclosed:*

- Many IRAs are invested in cash-equivalent accounts, such as a money market account, certificate of deposit, or other deposit account in a bank, credit union, or savings and loan. No further information about these accounts is required to be disclosed. In this regard, see line 3 of the example on page 46.*
- However, IRA accounts are also offered by brokers and investment firms for investment in stocks and bonds. If the IRA account contains any other type of entity, such as mutual funds, stocks, or bonds, the filer must disclose the underlying holdings in the account. In this regard, see lines 5-8 of the example on page 57.*

*The next question is the authority to select investment assets that will be bought or sold by the plan:*

- If the filer can select the assets that will be purchased or sold (beyond merely selecting a risk category, e.g., high, medium, or low), the plan is considered "self-directed," and every asset in excess of \$1,000 in value or which pays more than \$200 in income must be reported. NOTE: So long as the filer has the power to choose investment assets - even if he or she generally defers to the decisions of an investment manager - the individual assets must be listed.*
- If the filer does not control the selection of assets (or can only choose a general category of risk, e.g., low, medium, or high), the filer needs to report in Column A only the specific name of the fund and not the underlying assets. As described in later sections, the information required in Columns B, C, and D will relate to the fund as a whole, and not the individual assets held by that fund. Assets held in tax-deferred retirement or pension accounts, including 401(k), 403(b), and SEP*

*(Simplified Employee Pension) Plans maintained and controlled by a former employer, e.g., a former law firm, TIAA-CREF, state and county governments, and other similar entities are not considered self-directed by the individual and qualify as "common trust funds." In addition, tax-deferred investment products from insurance companies, e.g., annuities, are also not considered self-directed. Therefore, the filer is not required to provide any details about the individual assets held by those plans, but is only required to list the name of the specific plan in Column A.*

C. Income

In Column B of Part VII, the income from listed assets must be shown. The disclosure of the gross amount and the type of income – dividends, rent, interest, or income from discharge of indebtedness – is required. Sections 102(a)(1)(B) and 109(7). All income is reportable, whether taxable, tax deferred, or tax exempt. When no income is received (or there is a loss) Column B1 under Amount should be left blank and the word "NONE" should appear in Column B2 under Type. When some income is received, the appropriate code, reflecting the amount, should be used. The ranges are required by statute and the coded amounts for income are listed on the reporting form as follows:

- A - \$1,000 or less
- B - \$1,001 to \$2,500
- C - \$2,501 to \$5,000
- D - \$5,001 to \$15,000
- E - \$15,001 to \$50,000
- F - \$50,001 to \$100,000
- G - \$100,001 to \$1,000,000
- H1 - \$1,000,001 to \$5,000,000
- H2 - More than \$5,000,000

Section 102(a)(1)(B).

The same ranges and codes are used to report capital gains associated with transactions in Column D of Part VII. However, capital gains associated with "distributions" should be treated and reported as dividends in Column B.

The income from U.S. Savings Bonds, and similar investments should be reported if the minimum of \$200 is reached.

Regular, periodic payments of an annuity are treated as a return of the filer's investment and are, therefore, not reported as income. A filer need not report in Column B income received by the investments underlying an annuity which pays a fixed amount, and the filer should enter "NONE" in Column B(2) for such annuities. However, if the amount payable is variable according to returns on investment, the filer should report in Column B the amount credited to his or her annuity contract.

Dividends or interest received in the investment component of a cash value life insurance policy (whole life, universal life, variable life, or universal variable life), whether used to reduce premiums paid or to increase the amount of coverage, should be reported in Column B.

Column B must be completed even if an asset is entirely sold during the reporting period. If no income was received, enter "NONE" in Column B(2).



**VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions** *(Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)*

A. Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1 Oracle Common Stock		NONE	J	T					
2 Rental Property #1, Alexandria, VA. (1995 \$200,000)	D	Rent			Sold	11/4	K		John Smith
3 Bank of America (IRA) (CDs)	A	Interest	K	T					
4 Cabin Creek National Bank Stock (X)	B	Dividend	J	T					
5 Fidelity Magellan K Mutual Fund	B	Dividend	L	T					
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest	J	T					
1 Income/Gain Codes: A=\$1,000 or less (See Col. B1, D4) F=\$50,001- \$100,000	B=\$1,001-\$2,500 G=\$100,001-\$1,000,000		C=\$2,501-\$5,000 H1=\$1,000,001-\$5,000,000 H2=More than \$5,000,000		D=\$5,001-\$15,000		E=\$15,001-\$50,000		
2 Value Codes: J=\$15,000 or less (See Col. C1, D3) N=\$250,001-\$500,000 P3=\$25,000,001-\$50,000,000	K=\$15,001-\$50,000 O=\$500,001-\$1,000,000 P4=More than \$50,000,000		L=\$50,001- \$100,000 P1=\$1,000,001-\$5,000,000		M=\$100,001-\$250,000 P2=\$5,000,001-\$25,000,000				
3 Value Method Codes: Q=Appraisal (See Col. C2) U=Book value	R=Cost (real estate only) V=Other		S=Assessment W=Estimated		T=Cash/Market				

*Notes to filer:*

\_\_\_\_\_ Do you disclose in Column B the amount and type of income?

\_\_\_\_\_ If you indicate "NONE" in Column B(2), did you leave Column B(1) blank?

**Commentary**

*Column B(1), the income amount code, and Column B(2), the type of income, should both be completed if you have income. If no income was received, Column B(1) should be left blank and the word "None" should appear in Column B(2). When some income is received, then the appropriate income amount code and type should be provided.*

*Some filers question whether to report income from IRAs (Individual Retirement Account) or other retirement or pension plans where they are not actually drawing income from the account. All income should be reported, whether taxable, tax deferred, or tax exempt. For any mutual fund, IRA, pension fund, or other pooled investment plan, filers should report in Column B any dividend, interest, or capital gain income that is earned by the fund and credited to the filer's account. This type of income is generally reported on the Form 1099-Div that is issued for income tax purposes. Certain retirement and investment funds do not credit income to the individual accounts but instead report a "unit value" to participants. If no income is reported as having been credited to the filer's account, leave Column B(1) blank and enter "NONE" in Column B(2). Filers are not required to disclose as income any increase or decrease in the value of their account resulting solely from the change in market value of assets, even though these values are commonly highlighted in reports to investors. The market value of assets is reflected in the entries in Column C.*

D. Value

In Column C, the gross value of the asset at the end of the reporting period is reported. Section 102(a)(3). Accordingly, if an asset is entirely sold before the end of the reporting period, Column C should be left blank. The statutory value ranges and a value code for each range are listed on the bottom of the form. These same values are used for the value of reported assets in Column C and for the value of assets reported in the transaction part of Part VII, Column D. They are as follows:

J - \$15,000 or less	O - \$500,001 to \$1,000,000
K - \$15,001 to \$50,000	P1 - \$1,000,001 to \$ 5,000,000
L - \$50,001 to \$100,000	P2 - \$5,000,001 to \$25,000,000
M - \$100,001 to \$250,000	P3 - \$25,000,001 to \$50,000,000
N - \$250,001 to \$500,000	P4 - More than \$50,000,000

Section 102(d)(1).

In addition, the method used for valuation should be reported in Column C. These are coded as follows:

Q - Appraisal. Indicate in Part VII-A or Part VIII the date of the appraisal.

R - Cost. This method may be used only for real property or an interest in a real estate partnership. If used, show in Part VII, Column A or Part VIII the date of purchase and the amount, not just the category code, of the purchase price.

S - Assessment -- assessed value for tax purposes. If this method is used, show in Part VII, Column A or Part VIII the amount, not just the category code, of the assessed value and, if the property is assessed at less than 100% of its value, adjust the assessed value to reflect the current value and explain your adjustment.

T - Cash/Market. The quoted market price of publicly traded stocks and other securities; the face value of interest bearing corporate or municipal bonds or comparable securities; the balance or surrender value of certificates of deposit, savings and checking accounts, money market funds, etc.

U - Book. The net worth of a proprietorship, partnership interest, or corporate stock according to the books of such entity. This method may be used only for property interests not publicly traded.

V - Other. Any other recognized indication of value, such as current selling price of a comparable interest. (If this code is used, you must describe in Part VII, Column A or Part VIII the method used.)

W - Estimated. Your good faith estimate of the value of property if its exact value is not known and a more accurate determination of its value cannot be easily obtained by another method.

The gross value of the property should be indicated without reductions for mortgages, etc. References may be made in Part VII to mortgages included in Part VI (Liabilities).

The value of the investment component of a cash value life insurance policy should be reported in Column C. Do not report the "face value" or value of the death benefit under the policy.

*Notes to Filer:*

\_\_\_\_\_ Do you list in Column C(1) the gross value code (J-P) at the end of the reporting period?

\_\_\_\_\_ Do you list in Column C(2) the correct value method code (Q-W) reflecting how the value of the asset was determined?

\_\_\_\_\_ If you used value method codes "Q," "R," "S," or "V," did you include the appropriate information in Column A or Part VIII?

*Commentary*

*If an asset is entirely sold during the reporting period, then Column C should be left blank. However, if an asset is partially sold (such as a portion of the total shares of stock owned), then Column C should be completed.*

*In addition, it should be emphasized that in Column C(2), there are four value method codes which require additional information in either Column A or Part VIII. Filers tend to forget that each report must stand on its own and as a result often fail to provide the following on their report each year:*

*(1) "Q" - Appraisal - the date of the appraisal.*

*(2) "R" - Cost - the date of purchase and the dollar amount of the purchase price.*

*(3) "S" - Assessment - the dollar amount of the assessed value.*

*(4) "V" - Other - the filer must describe the method used in Column A (Description of Assets) or Part VIII.*

**VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions** *(Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)*

A. Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1 Oracle Common Stock		NONE	K	T					
2 Rental Property #1, Alexandria, VA (1995 \$200,000)	D	Rent	M	R					
3 Rental Property #2, Alexandria, VA	F	Rent	K	V					See note in Part VIII
4 Bank of America (IRA) (CDs)	A	Interest	J	T					
5 Cabin Creek National Bank Stock (X)	B	Dividend	J	U	Sold (part)	5/30	J		
6 Fidelity Magellan K Mutual Fund	B	Dividend			Sold	6/5	K		
7 NY State Urban Dev. Corp. Muni. Bond	A	Interest	J	T					
1	Income/Gain Codes: A=\$1,000 or less B=\$1,001-\$2,500 C=\$2,501-\$5,000 D=\$5,001-\$15,000 E=\$15,001-\$50,000 (See Col. B1, D4) F=\$50,001-\$100,000 G=\$100,001-\$1,000,000 H1=\$1,000,001-\$5,000,000 H2=More than \$5,000,000								
2	Value Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 (See Col. C1, D3) N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=More than \$50,000,000								
3	Value Method Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market (See Col. C2) U=Book value V=Other W=Estimated								

E. Transactions

Information on transactions should be entered in Column D. Transactions to be reported involve any purchase, sale or exchange during the reporting period which exceeds \$1,000. Section 102(a)(5).

As to each acquisition or disposition, you should disclose:

- a) the type of transaction, e.g., buy, sell, redeem, etc.;
- b) the date of the transaction;
- c) the value category code indicating the value of the consideration paid or received (codes J-P);
- d) the capital gain, if exceeding \$200, realized on a disposition, using the appropriate income category code (codes A-H);
- e) the identity of the buyer or seller unless the transaction was conducted through public trading, as on a stock or commodities exchange;
- f) the liquidation of a bank account or money market fund that may have been reported on a prior report.

If an asset has been bought and sold during the same reporting period, provide the required information about both transactions on successive lines (see example on page 53, lines 6 and 7).

In most corporate mergers and reorganizations, shareholders play a passive role and realize no taxable capital gains. Accordingly, where a non-taxable corporate reorganization results in the listing of a new asset or the omission of an asset disclosed on the previous report with no purchase or sale by the filer, the change of name should be explained with a note in Column A or in Part VIII, as appropriate. For example, if the filer listed the "ABC Company" on a previous report and it has since been merged into the "XYZ Company," the filer should list "XYZ Co. (formerly ABC Co.)" in Column A. Only if the filer is required to report a capital gain for income tax purposes would a merger be treated as a transaction. Also, if the filer sells the shares of the new corporation after the merger, that transaction must be reported.

Income received pursuant to an annuity contract owned by the filer (or filer's spouse) need not be reported as a transaction in Column D. Similarly, the withdrawal of a portion of the investment component of a life insurance policy need not be reported as a transaction in Column D, but a cancellation or withdrawal of the entire balance so as to end the policy should be reported as "closed."

The value category codes, codes J-P, which for convenient reference are also shown at the bottom of the report, are listed above under VALUE.

The income category codes, codes A-H, for reporting capital gains, which for convenient reference are also shown at the bottom of the report, are listed above under INCOME. If there is a loss, or no gain or loss, Column D4 under GAIN should be left blank.

**You are not required to report:**

- transactions solely between yourself, your spouse, and your dependent children; Section 102(a)(5);
- transactions in which the then fair market value of consideration paid or received did not exceed \$1,000; Section 102(a)(5);
- transactions involving property used solely as the personal residence of you or your spouse; Section 102(a)(5)(A);
- transactions involving a mere change of form of assets, e.g., a stock split;
- transactions involving deposits or withdrawals from bank accounts and money market funds other than the opening or closing of such accounts;
- transactions involving the reinvestment of dividends, interest, and capital gain distributions;
- inheritances received by the filer or the filer's spouse or dependent children; or
- gifts made to a charity or to a non-dependent relative by the filer or the filer's spouse or dependent children.

However, if a transaction not reported under these exceptions would result in an asset being added to or removed from the list of assets in Part VII:

- a) for the opening or closing of a bank account with a transaction involving less than \$1,000, insert "Open" or "Closed" in Column D(1) and leave Columns D(2) through D(5) blank;
- b) for an asset acquired through an exempt transaction (such as an inheritance or exempt gift), or for an asset which became reportable by virtue of the filer's marriage, because its value or income increased to a level above the reporting threshold, or upon any event which does not otherwise constitute a reportable transaction, insert "(X)" after the asset description in Column A;
- c) for an asset disposed of through a charitable donation, insert "donated" in Column D(1) and leave Columns D(2) through D(5) blank or include an explanatory note in Part VIII to avoid an inquiry about the change in the list of assets; and

- d) except as noted above, for a previously reported asset that becomes unreportable without a corresponding reportable transaction (i.e., when an asset's value and income fall below reporting thresholds, or upon emancipation of a dependent child, dissolution of marriage, reversion of rental property to personal residence), insert "(Y)" after the asset description in Column A and leave Columns B-D blank, or include an explanatory note in Part VIII. In subsequent years, this asset should be deleted from Part VII.

Please ensure that the entries in Columns C and D are consistent:

- If property is entirely disposed of during the reporting year, Column C should be left blank;
- If property is partially disposed of during the reporting year, Column C should be completed and Column D(1) should include "Part" (e.g., "Sold (part)" or ""Redeemed (part)").

**VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions** *(Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)*

A. Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1 Lego Common Stock		NONE	K	T	Buy	7/10	J		
2					Sold (part)	9/1	J	A	
3					Buy	12/1	J		
4 Rental Property #1, Alexandria, VA (Y)									
5 Bank of America (IRA) (CDs) (formerly known as NationsBank)	A	Interest	J	T	Buy	11/10	J		
6 Verizon (formerly known as Bell Atlantic)	A	Dividend			Buy	2/5	K		
7					Sold	11/3	K	A	
8 Cabin Creek National Bank Stock (X)	B	Dividend	K	U	Sold (part)	4/8	J	A	Jerry West
9 Fidelity Magellan K Mutual Fund	B	Dividend	K	T	Buy	4/15	J		
10 NY State Urban Dev. Corp. Muni. Bond	A	Interest			Redeemed	7/5	J		
11 Real estate, Sussex County, Delaware		None			Donated				
1 Income/Gain Codes:	A=\$1,000 or less      B=\$1,001-\$2,500      C=\$2,501-\$5,000      D=\$5,001-\$15,000      E=\$15,001-\$50,000 (See Col. B1, D4)      F=\$50,001-\$100,000      G=\$100,001-\$1,000,000      H1=\$1,000,001-\$5,000,000      H2=More than \$5,000,000								
2 Value Codes:	J=\$15,000 or less      K=\$15,001-\$50,000      L=\$50,001-\$100,000      M=\$100,001-\$250,000 (See Col. C1, D3)      N=\$250,001-\$500,000      O=\$500,001-\$1,000,000      P1=\$1,000,001-\$5,000,000      P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000      P4=More than \$50,000,000								
3 Value Method Codes:	Q=Appraisal      R=Cost (real estate only)      S=Assessment      T=Cash/Market (See Col. C2)      U=Book value      V=Other      W=Estimated								



*Notes to filer:*

- \_\_\_\_\_ *If the asset is a new listing, do you include "(X)" in Column A or list in Column D information on the corresponding transaction?*
- \_\_\_\_\_ *If an asset is eliminated, do you include "(Y)" in Column A or list in Column D information on the corresponding transaction?*
- \_\_\_\_\_ *Do you list the date of the transaction in Column D(2)?*
- \_\_\_\_\_ *Do you list in Column D(3) the value code (J-P) indicating the value of the consideration paid or received for the asset?*
- \_\_\_\_\_ *Do you list in Column D(4) capital gain (income codes A-H) realized on the disposition of the asset or leave this column "blank" if there was no gain or a loss?*
- \_\_\_\_\_ *If an asset is partially disposed of or sold, did you indicate "Sold (part)" in Column D(1)?*
- \_\_\_\_\_ *If an asset was completely disposed of or sold, did you leave Column C blank and complete Columns D(1)-(5) as appropriate?*
- \_\_\_\_\_ *Do you list the identity of the buyer or seller for all transactions not conducted through public trading, as on a stock or commodities exchange?*

## F. Widely Held Investment Funds

A fund is a widely held investment fund if it:

is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. Section 102(f)(8).

A reporting person must report holdings in widely held investment funds. The reporting person must report the income from the fund, the end of period value, and transactions with regard to the fund. The reporting person is not required to report the individual assets owned by the fund, or the transactions engaged in by the fund. Rather, the fund itself, is considered to be the source of the income obtained therefrom, even though that income includes dividends, interest on capital gains earned with respect to stocks, bonds, etc., held by the fund. Accordingly, a reporting person would report a widely held fund as follows:

<b>VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions</b> <i>(Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)</i>									
<b>A.</b> Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	<b>B.</b> Income during reporting period		<b>C.</b> Gross value at end of reporting period		<b>D.</b> Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value2 Code (J-P)	Value Method3 Code (Q-W)	Type (e.g., buy, sell, redemption)	(2) Date: Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1 Viking Large-Cap Value Mutual Fund	C	Dividend	L	T					
2 Janus Enterprise Mutual Fund	B	Dividend			Sold	11/3	K	A	
3 Fidelity Magellan K Mutual Fund	A	Dividend	K	T	Buy	3/2	J		
1 Income/Gain Codes: A=\$1,000 or less E=\$15,001-\$50,000 (See Col. B1, D4) F=\$50,001-\$100,000 G=\$100,001-\$1,000,000 H1=\$1,000,001-\$5,000,000 H2=More than \$5,000,000									
2 Value Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 (See Col. C1, D3) N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=More than \$50,000,000									
3 Value Method Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market (See Col. C2) U=Book value V=Other W=Estimated									

G. Aggregate Ownership Arrangements – Trusts, IRAs, and Investment Clubs

1. Aggregate Reporting

The Committee has established special rules for reporting assets held in an ownership arrangement which is separate from the reporting person himself or herself, referred to herein as an "Aggregate Ownership Arrangement." A personal stock account with a brokerage is not considered an Aggregate Ownership Arrangement. As discussed below, a reporting person will have to identify each separate asset held in the Aggregate Ownership Arrangement and report transactions regarding each asset. However, the reporting person can report the aggregate (total) income and end of period value of the asset and need not provide the separate income and end of period value of each separate asset therein.<sup>1</sup>

The basic rule is that the income, value, and transactions of the holdings of any Aggregate Ownership Arrangement in which the reporting person, spouse, or dependent child has a beneficial interest must be reported if the arrangement itself had ownership of any asset having a value of \$1,000 at the end of the reporting period, regardless of the value of the reporting person, spouse, or dependent child's individual share. Thus, there must be a list of each asset owned by the Aggregate Ownership Arrangement having a value in excess of \$1,000 or affected by any transaction in excess of \$1,000.

As to each Aggregate Ownership Arrangement, the reporting person shall provide, on a line in Part VII, the following:

- (1) The identity of the Aggregate Ownership Arrangement in Column A.
- (2) Aggregate income information in Column B.
- (3) Aggregate gross value in Column C.
- (4) Transaction as to the Aggregate Ownership Arrangement itself in Column D.

On the following page is an illustration of reporting an Aggregate Ownership Arrangement. On the lines following the line for the Aggregate Ownership Arrangement, each separate asset owned by, or in, the arrangement during the reporting period must be reported as follows:

- (1) The identity of the separate asset in Column A, preceded by a dash to show that it is part of the aggregate entry;
- (2) Column B, income information, is left blank;
- (3) Column C, gross value, is left blank; and

---

<sup>1</sup> Of course, if the reporting person wishes to provide the income and end of period value with respect to each separate asset, it is permissible to do so.

- (4) Transactions of the Aggregate Ownership Arrangement as to the separate assets are reported in Column D.

If the Aggregate Ownership Arrangement was utilized for a substantial number of assets and there is available clear documentation of all required information, the reporting person may apply to the Committee for leave to report the assets in an alternate manner. Any request should be made sufficiently in advance of the filing deadline to permit careful consideration and discussion with the reporting person.

<b>VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions</b> <i>(Includes those of spouse and dependent children. See pp. 34-60 of Instructions.)</i>									
<b>A.</b> Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	<b>B.</b> Income during reporting period		<b>C.</b> Gross value at end of reporting period		<b>D.</b> Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, redemption)	(2) Date: Month-Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1 Trust #1	B	Dividend	L	T					
2 – IBM Stock (common)									
3 – American Century Growth Fund									
4 – New York City Transportation Bonds					Buy	12/21	K		
5 IRA #1	A	Dividend	M	T					
6 – Legacy Funds First Caliber Equity A Mutual Fund									
7 – Legacy Funds First Sterling Income A Mutual Fund					Buy	1/8	K		
8 – Capitol Holding Stock (common)					Sold	4/5	K	A	

9	Blue Sky Investment Club	B	Dividend	K	T					
10	– IBM (common)					Buy	1/4	K		
11	– General Motors (common)					Buy	3/6	K		
12	– AOL (common)					Sold (part)	8/10	L	C	
1	Income/Gain Codes: A=\$1,000 or less B=\$1,001-\$2,500 C=\$2,501-\$5,000 D=\$5,001-\$15,000 E=\$15,001-\$50,000 (See Col. B1, D4) F=\$50,001- \$100,000 G=\$100,001-\$1,000,000 H1=\$1,000,001-\$5,000,000 H2=More than \$5,000,000									
2	Value Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001- \$100,000 M=\$100,001-\$250,000 (See Col. C1, D3) N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=More than \$50,000,000									
3	Value Method Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market (See Col. C2) U=Book value V=Other W=Estimated									

*Notes to filer:*

\_\_\_\_\_ Did you complete the appropriate columns for each asset required to be individually listed in a trust, estate, investment club, or other similar financial arrangement?

## 2. Trusts

The reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.

A reporting person must also report all trusts<sup>2</sup> in which he or she, his or her spouse or dependent child has a beneficial interest. However, a reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

A reporting person who is required to report a trust, etc. must report the separate assets of the trust or estate as an Aggregate Ownership Arrangement discussed above. However, the reporting person need not report the separate assets of a trust:

- (1) which was not created directly by the reporting person, his spouse, or any dependent child; and
- (2) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge. Section 102(f)(2).

---

<sup>2</sup> For employees other than judges, the assets of a qualified blind trust that has been approved by the Committee need not be reported. See the discussion in paragraph C.

If a trust has been established to receive proceeds of a life insurance policy, the insured person is still living, and the trust has no asset valued at more than \$1,000, it should not be listed as an asset in Part VII, but if the trust was disclosed in Part I, the filer should include a note in Part VIII that it is an "unfunded trust." Similarly, a trust whose sole asset is a term life insurance policy need not be listed in Part VII, as term insurance is not regarded as an investment asset, but if the trust was disclosed in Part I, the filer should include a note in Part VIII explaining that it is an "unfunded trust."

### 3. Qualified Blind Trust (Employees Other Than Judges)

A qualified blind trust is subject to special rules. Section 102(f).

The reporting person, other than a judge, is not required to report in Column A the individual assets of a "qualified blind trust." Section 102(f)(1). The effect of the Code of Conduct for United States Judges (Canon 3(c)(2)) precludes qualified blind trusts for judges, their spouses, and dependent children. Other judicial employees may own beneficial interests in qualified blind trusts as defined and conditioned in the pertinent statutes. Judicial employees considering the establishment of a qualified blind trust are directed specifically to Section 102(f)(3)(D), which requires approval by the Committee on Financial Disclosure.

#### Commentary

*Where the filer or spouse has exercised a power of attorney with respect to any assets, all investment assets subject to that power should be reported in Part VII.*

*The following are examples of statutory guidelines on related subjects extracted from The Codes of Conduct For Judges and Judicial Employees. These guidelines should provide assistance as to the propriety of disclosing certain financial interests.*

*(1) "Financial interest" means ownership of a legal or equitable interest, however small. (Canon 3(C)(3)(c).)*

*(2) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund. (Canon 3(C)(3)(c)(i).)*

*(3) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization. (Canon 3(C)(3)(c)(ii).)*

*(4) A policy holder in a mutual insurance company, a depositor in a mutual savings association, or owner of government securities has a "financial interest," if the outcome of any proceeding in which the filer participates could substantially affect the value of the interests. (Canon 3(C)(3)(c)(iii) and (iv).)*

*(5)*

[REDACTED] *Compendium §* [REDACTED] )

(6) [REDACTED]  
[REDACTED]  
[REDACTED] *(Compendium §* [REDACTED]  
[REDACTED] )

(7) [REDACTED]  
[REDACTED] *(Compendium §* [REDACTED] )

(8) [REDACTED]  
[REDACTED]  
[REDACTED] *(Compendium §* [REDACTED] )

### **VIII. Explanatory Comments**

Use this part to add information clarifying other portions of the report. Of particular importance is any information, such as a reference to opinions of the Committee on Codes of Conduct and actions of a Judicial Council, that bears on possible conflicts of interest or problems under the Code of Conduct for United States Judges. Also use this part to explain any apparent inconsistencies between the current report and past reports.

Place explanatory comments either with the item or in Part VIII that will facilitate "tracing" items from one report to the next. For example, indicate if an asset has a different name from that used in the prior report because of a reorganization or change of name.

Use attachment pages if more space is needed.

### **Examples of Notes in Part VIII**

#### **VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)**

- 1) Part VII, page 4, line 3 - Value based on comparison to sale prices of nearby properties.
- 2) Part VII, page 5, line 18 - This asset was formerly known as AOL Time Warner.

### **IX. Certification and Signature**

The certifications provided on the form cover (1) a certification that the report is accurate, true, and complete as to all information required by the Act to be reported; and (2) a certification that earned income from outside employment and honoraria and the acceptance of gifts that have been reported are in compliance with the provisions of applicable laws and regulations.

The original report that is to be filed with the Committee must bear the original signature of the reporting person; the other three copies may be copies of the signed original. At least one copy of an amended return or of a clarifying letter responding to a Committee inquiry must bear the original signature of the reporting person; all other copies shall be copies of the signed original. The signature of the reporting person may be excused only during a period of physical or mental incapacity of that person.

Promptly upon discovery that an error has been made in a report, amend the report by one of the methods explained on page 4.



## **COMPLIANCE AND SANCTIONS**

Compliance with filing and reporting requirements is monitored pursuant to 5 U.S.C. app. § 106.

One who knowingly and willfully falsifies or fails to file or report any information required under the Act is subject to civil and criminal sanctions. Section 104(a).

## **ETHICAL STANDARDS**

The disclosure requirements and exemptions from disclosure contained in the Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference of the United States or the statutory provisions for disqualification or recusal.

For example, disclosure of financial interests under the Act is required only for interests exceeding a stated minimum amount of value and only with respect to certain members of a person's family, whereas 28 U.S.C. § 455(b)(4) applies to financial interests without regard to amount and 28 U.S.C. § 455(b)(5) applies to participation in litigation by a person within the third degree of relationship to the judge. Similarly, the Act exempts from disclosure matters relating to campaign receipts and campaign disbursements, most of which would be prohibited under the Code of Judicial Conduct for United States Judges, which also precludes qualified blind trusts for judges.

## **PUBLIC ACCESS**

Financial Disclosure Reports are public documents, open to inspection and copying at the office of the Committee on Financial Disclosure. Reports will be made available to the public in accordance with the regulations of the *Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as amended*. Sections 105(a) and (b)(1). However, § 105(b)(3)(A) of the Ethics in Government Act of 1978, as amended, does not require the immediate and unconditional availability of reports filed if a finding is made by the Committee on Financial Disclosure, in consultation with the United States Marshals Service, that revealing personal and sensitive information contained on the report could endanger the filer.

When an annual report is filed, each filer shall, in a cover letter to the Committee, request redactions of any information required to be disclosed in the report, if the filer believes the release of the information to the public could endanger the filer or the filer's family. A filer also may request redaction after he or she receives notice of a request for his or her reports. Such requests should be submitted in accordance with Judicial Conference regulations specifying the material sought to be redacted and stating in detail the reasons justifying redaction. Each request for redaction will be reviewed by the Committee in accordance with Section 105 of the Act and the regulations of the Judicial Conference. Information approved for redaction must still be disclosed when filing a report. Redactions will be made by the Committee staff prior to release.

A report will be made available only to a person who completes the Form AO-10A, Request for Examination of Report Filed by a Judicial Officer or Employee, in writing.

It shall be unlawful for any person to obtain or use a report –

- A) for any unlawful purpose;
- B) for any commercial purpose other than by news and communications media for dissemination to the general public;
- C) for determining or establishing the credit rating of any person; or
- D) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose. Section 105(c)(1).

The Attorney General may bring a civil action against any person who obtains or uses a report for any prohibited purpose described above. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$11,000. Such remedy shall be in addition to any other remedy available under statutory or common law. Section 105(c)(2).

## APPENDIX I

### INITIAL REPORTS

#### WHO MUST FILE AND WHEN

Persons nominated to be JUDICIAL OFFICERS must file a nomination report within 5 days of the transmittal of their nomination by the President to the Senate. Section 101(b)(1).

Newly-appointed JUDICIAL EMPLOYEES must file an initial report within 30 days of assuming their positions, Section 101(a), if they assume their position on or before November 1. Newly-appointed JUDICIAL EMPLOYEES who assume their positions between November 2 and December 31 must file an initial report by March 15 of the subsequent year.

Judicial employees who receive a promotion or change in the rate of pay which results in pay equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule on or before November 1 must file an initial report within 30 days of the promotion or pay change. If the promotion or pay adjustment occurs between November 2 and December 31, judicial employees must file an initial report by March 15 of the subsequent year.

A JUDICIAL EMPLOYEE who is not expected to perform the duties of the office or position for more than 60 days in a calendar year is not required to file an annual report. However, if the person actually performs duties for more than 60 days, an initial report must be filed within 15 days of the sixtieth day. Section 101(h).

#### INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual reports.

#### Identifying Information

**BLOCK 3. Date of Report.** For a JUDICIAL EMPLOYEE, a date that is no more than 30 days after your entry in the position if you entered on or before November 1. If you entered between November 2 and December 31, the "Date of Report" should be no later than March 15. For a person nominated to be a JUDICIAL OFFICER, the date should be no more than 5 days after submission of your nomination to the Senate.

**BLOCK 5. Report Type.** Check the appropriate report form and in the case of a nomination report show the date your nomination was transmitted to the Senate.

**BLOCK 6. Reporting Period.** The beginning date (January 1 of the year preceding the year you assumed your office or were nominated) and the ending date (a date you choose that precedes the "Date of Report" by no more than 30 days).

## **I. Positions**

The reporting period is the two calendar years preceding the date of the report through the filing date in the current calendar year. Section 102(a)(6)(A).

## **III. Non-investment Income**

The reporting period is the calendar year preceding the date of the report and the year of filing. Section 102(b)(1)(A).

In addition, you must report compensation, other than from the United States Government, in excess of \$5,000 in any of the two calendar years prior to the calendar year during which you file your first report. Section 102(a)(6)(B).

You must include the identity of each source of such compensation and a brief description of the nature of the duties performed or services rendered by the reporting person for each source. Section 102(a)(6)(B).

You are not required to report any information which is considered confidential as a result of a privileged relationship, established by law between the reporting person and any person, nor are you required to report any information with respect to any person for whom services were provided by any firm or association of which the reporting person was a member, partner, or employee unless the reporting person was directly involved in the provision of such services. Section 102(a)(6)(B).

## **IV. and V. Reimbursements and Gifts**

**You are not required to complete these parts of the report. Section 102(b)(1).** Note "exempt" in these two spaces.

## **VI. Liabilities**

The reporting period is the calendar year preceding the date of the report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B).

## **VII. Investments and Trusts**

The reporting period for providing income information for assets is the calendar year preceding the date of the report and the year of filing. Section 102(b)(1)(A). The reporting period for providing value information for assets is the calendar year preceding the date of the report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B). **You are not required to complete Subpart D "Transactions."** Section 102(b)(1). Note "exempt" in Column D(1).

## **APPENDIX II**

### **FINAL REPORTS**

#### **WHO MUST FILE AND WHEN**

A JUDICIAL OFFICER who works more than 60 days in a calendar year is required to file a final report within thirty days after resigning under 28 U.S.C. § 371(a) or otherwise ceasing to continue in such position. A JUDICIAL OFFICER who retires under 28 U.S.C. § 371(b) is not required at that time to file a final report, but continues to be obligated to file an annual report for any year in which the relevant Judicial Council authorizes the employment by the judge of at least one law clerk or secretary, unless the judge certifies that he or she did not perform the duties of his or her office for more than 60 days.

A JUDICIAL EMPLOYEE who works more than 60 days in a calendar year is required to file a final report within thirty days of termination of employment. Section 101(e).

A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE accepting another position in the federal government subject to financial disclosure reporting is not required to file a final report when changing position. Section 101(e).

#### **INSTRUCTIONS FOR COMPLETING EACH PART**

Below are specific instructions that differ from those provided for annual reports.

##### **Identifying Information**

**BLOCK 3. Date of Report.** The date the report is completed, and not more than 30 days after termination of employment.

**BLOCK 5. Report Type.** Check final report.

**BLOCK 6. Reporting Period.** Show both the beginning and ending date of the reporting period. The beginning date will be January 1 of the current year if an annual report has already been filed covering the preceding calendar year; otherwise, it will be January 1 of the preceding calendar year. The ending date is the date of termination of employment.

##### **Parts I - VII**

The reporting period is the calendar year preceding the date of the report through the filing date in the current calendar year. Section 102(c). If an annual report was already filed covering the preceding calendar year, then the reporting period is the current calendar year through the filing date.

### APPENDIX III

#### ADDITIONAL REFERENCES

Regulations concerning gifts, outside earned income, honoraria, and outside employment and the Codes of Conduct are contained in the Guide to Judiciary Policies and Procedures, Volume II, Codes of Conduct for Judges and Judicial Employees.

The Committee on Codes of Conduct has established a database on Westlaw containing the ethical materials in Volume II of the Guide. To use this database, [REDACTED]

[REDACTED]

The *Code of Conduct for Administrative Office Employees* contains similar regulations concerning gifts, outside earned income, honoraria, and outside employment. These regulations are set forth in Vol. I(AO), *Guide to Judiciary Policies and Procedures*, Chapter I, Subchapter B. Administrative Office employees may seek guidance regarding the interpretation of these regulations from the General Counsel of the Administrative Office.

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# Key Document H

# FILING INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES

Committee on Financial Disclosure  
Administrative Office of the U.S. Courts  
Suite G-330  
One Columbus Circle, N.E.  
Washington, D.C. 20544  
202-502-1850

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## INTRODUCTION

Four separate types of Financial Disclosure Reports – nomination, initial, annual, and final – are required by the Ethics in Government Act of 1978, as amended, published in Title 5 of the United States Code, appendix, §§ 101-111.

These instructions govern the preparation and filing of Form AO-10, which is to be used by judicial officers and employees for all reports. The body of these instructions covers the requirements for annual reports, which in some cases also apply to nomination, initial, and final reports. Where requirements for nomination, initial, or final reports differ from the annual reporting requirements, specific information can be found in Appendices I and II of these instructions.

The statute requires the Committee on Financial Disclosure to review each report to assure, on the basis of the information provided, that the reporting person (filer) is in compliance with applicable laws and regulations. Section 106(b)(1). The Committee also reviews reports to highlight potential ethical problems and/or conflicts of interest. Financial disclosure reporting, however, is distinct from obligations under the Codes of Conduct. Each judge is required to conduct a personal review of cases for conflicts, develop a list identifying financial conflicts for use in conflict screening, review and update the list at regular intervals, and employ the list in automated conflict screening. The financial disclosure report is not a substitute for the list of financial conflicts. *See Guide to Judiciary Policy*, Vol. 2C, Ch. 4.

Questions concerning the reporting requirements should be addressed to:

Committee on Financial Disclosure,  
Administrative Office of the United States Courts  
Suite G-330,  
One Columbus Circle, N.E.  
Washington, D.C. 20544

## WHO MUST FILE and WHEN?

JUDICIAL OFFICERS AND JUDICIAL EMPLOYEES are required to file an annual report by May 15 following each calendar year in which they performed their duties for more than sixty (60) days. Section 101(d).

JUDICIAL OFFICERS are defined in the Act as the Chief Justice and Associate Justices of the Supreme Court, and the judges of United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by an Act of Congress, the judges of which are entitled to hold office during good behavior. Section 109(10).

A JUDICIAL EMPLOYEE is any employee (excluding a JUDICIAL OFFICER, of the judicial branch of Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Veterans Appeals, or of the United States Court of Appeals for the Armed Forces) who:

- (a) is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, e.g., bankruptcy judges and magistrate judges; or
- (b) occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule. Section 109(8).

Persons whose obligation to file reports may vary from year to year, e.g., a senior judge, or recalled bankruptcy judge or magistrate judge who may perform more than 60 days of service in one year but not in another, should certify their exempt status to the Committee on Financial Disclosure by May 15th, if they are exempt from filing for the prior year. This will avoid an inquiry from the Committee concerning the failure to file. When they file their next report, they should explain any apparent inconsistencies resulting from the “gap” between the two reporting periods.

Information on who must file nomination, initial, and final reports, and when they must be filed, can be found in Appendices I and II.

### Commentary

*The General Counsel of the Administrative Office of the U.S. Courts has determined that the term “basic pay” within the definition of a judicial employee does not include locality pay or geographic cost-of-living allowance (COLA) received by some employees in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. Geographic COLAs are considered additional allowances for the cost of living rather than part of the basic rate of pay. Similarly, there is no express statutory authority permitting court employees to receive locality pay. Payment is based upon the Director of the Administrative Office’s authority to set compensation and is treated in the same manner that locality pay is treated in the Executive Branch, which does not consider locality pay as a part of basic pay.*

*Part-time employees without adjudicatory functions are deemed to satisfy the filing threshold if the basic rate of pay fixed for the position held meets the statutory minimum. Thus, the “rate of basic pay” rather than actual pay received, is used to determine the need to file a report. In addition, the Committee has held that the “rate of basic pay” to be used to determine whether a reemployed annuitant who is not authorized to perform adjudicatory functions must file a report does not include the annuity.*

### **Extensions of Time to File**

The Committee may grant reasonable extensions of time for filing nomination, initial, annual, and final reports. Requests for extension should be submitted to the Committee electronically via FiDO under “Request for Extension.” Extensions of time for filing a report may be granted for up to 90 days from the original due date. In the request, state the number of days being sought and explain why the extension is necessary. Extensions beyond 90 days are not permissible. Section 101(g).

### **Late Filing Fee**

A report filed more than thirty (30) days after the date the report is due may be assessed a late filing fee of \$200. Section 104(d)(1).



The Committee may waive the late filing fee. The standard for granting a waiver is that extraordinary circumstances prevented a timely filing of the report. Requests for waivers should be submitted electronically to the Committee via FiDO, under “Request for Waiver of Late Fee,” and must include the reason(s) the report was not filed on time. Section 104(d)(2).

The \$200 late filing fee, made payable to the Treasurer of the United States, should be mailed to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite G-330  
One Columbus, Circle, N.E.  
Washington, DC 20544

### **How and Where to File**

All reports (including amended reports filed in response to letters of inquiry) must be created using the FDR Form Editor Software, which provides the acceptable AO-10 format in PDF form. These software-generated PDFs must be uploaded onto the Financial Disclosure website (FiDO).

If a prior year’s report, in xml format, is stored or saved on the computer being used to complete the current report, once you open the FDR software:

- data from the last report you worked on may pre-populate the form,
- a blank form will appear, or
- you may be prompted to import the data.

After the reporting period, Block 6, is changed to 01/01/2021-12/31/2021, the software automatically updates the report year indicated at the top of page one of the report. If you are unable to locate your prior report in .xml format, contact your local IT office for assistance in locating the file.

### **Amended Reports**

Amend reports using the FDR Form Editor software. Check box 5b “Amended” and Block 3 should reflect a current date (found on the Personal Information tab), in addition to making any changes to specific Parts of the report. Then electronically file the pdf version of that amended report in FiDO. If appropriate, explain the changes in Part VIII. Amendments in the form of letters are not permitted.

There are two types of amended reports:

- 1) A **response to a letter of inquiry** received from the Committee. A letter of inquiry from the Committee requires clarification on report content. The FDR Form Editor software must be used to prepare the amended report – once a pdf is created, it should be filed in FiDO as a Response to Letter of Inquiry.
- 2) A **self-initiated amendment** to change information or data provided on a previously filed report. Again, the FDR Form Editor software must be used to prepare the amended report. Once a pdf is created, it should be filed in FiDO under Report as a Self-Initiated Amendment.

## **Waivers**

The Committee may grant a request for a waiver of any reporting requirement for one who is expected to perform the duties of the office or position less than one hundred and thirty (130) days in a calendar year, but only if the Committee determines that:

- (1) the person is not a full-time employee of the federal government;
- (2) the person is able to provide services specially needed by the federal government;
- (3) it is unlikely that the person's outside employment or financial interests will create a conflict of interest; and
- (4) public financial disclosure by the person is not necessary under the circumstances.

Waiver requests should be submitted to the Committee electronically and must contain a detailed explanation of the facts upon which the Committee can make the determinations required under the Act. All such requests are available to the public. Section 101(i).

## **FILING GUIDELINES**

### **“NONE” Box**

The FDR software will automatically check the “NONE” box when no entries are made. If you do not have entries for a particular Part, make sure the “NONE” box is checked.

### **Disclosure Concerning Family Members**

A reporting person is required to disclose financial information concerning a spouse and dependent children. Section 102(e)(1).

The Act does not require disclosure of the financial interests of a spouse who is living separate and apart with the intention of terminating the marriage or permanently separating. Section 102(e)(2).

The Act defines a dependent child as a son, daughter, stepson, or stepdaughter . . . who –

- (A) is unmarried and under age 21 and is living in the household of the reporting person;
- or
- (B) is a dependent of the reporting person within the meaning of Section 152 of the Internal Revenue Code of 1986. (26 U.S.C. § 152) Section 109(2).

### **Extra Pages/Additional Space**

To add lines or pages in the FDR Form Editor software, right-click the line where more space is needed and follow the menu prompts. The option to delete extraneous lines or pages is in that same menu.

### **Alternative Format For Reporting Investments and Assets**

The FDR Form Editor software provides the only acceptable AO-10 format for the financial disclosure report. Use of the software to prepare the report ensures reporting of all required information in the correct and consistent format. It also allows the import of information into subsequent reports, negating the need to retype entries.

In exceptional circumstances, it is permissible to provide the required information in an alternative format, but only upon a specific written determination by the Committee. If you wish to use an alternative format, seek permission by electronically filing a letter to the Committee via FiDO, under “Requests/Letters to the Committee – Miscellaneous.” The request should include: the format sought, why the request is being made, and whether it is only for the current report or all future reports. All information submitted in the alternative format must be able to be easily reconciled with prior reports. Section 102(b)(2)(A).

### **Reconciliation with Prior Reports**

Although you should compare information in your current report with that in the prior report, each report must be complete in and of itself. Each asset listed in your prior report, as owned on the last day of the reporting period, should be listed in your current report.

Report transactions (e.g. sales or purchases) that explain new or missing assets, listing each one on a separate line in Part VII, Column D. If there are none, use Part VIII to explain why an asset has been added or removed, or use of the “(X)” and “(Y)” notations as described later in the filing instructions.

If a supporting document approving a specific position (Part I), agreement (Part II), or transaction (Part VII) has been received and is relevant to your report, or if the Committee on Codes of Conduct has approved particular conduct or actions relevant to your report, a copy of that document should be filed in FiDO under “Requests/Letters to the Committee – Miscellaneous.”

To assist the Committee during the review process, list items in each part of the report in the same order as shown in the prior report.

## INSTRUCTIONS FOR COMPLETING EACH PART

### Personal Information

Blocks 1 through 7 must be completed to report identifying information.

<b>AO 10</b> Rev. 1/2022		<b>FINANCIAL DISCLOSURE REPORT</b> <b>FOR CALENDAR YEAR 2021</b>		<i>Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)</i>	
<b>1. Person Reporting (last name, first, middle initial)</b>  Smith, Jane B.		<b>2. Court or Organization</b>  U.S. District Court, North Dakota		<b>3. Date of Report</b>  04/17/2022	
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  U.S. District Judge - Senior Status		<b>5a. Report Type (check appropriate type)</b>  <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final		<b>6. Reporting Period</b>  01/01/2021 to 12/31/2021	
		<b>5b.</b> <input type="checkbox"/> Amended Report			
<b>7. Chambers or Office Address</b>  U.S. Courthouse 44 West 32nd Street Fargo, North Dakota 58107					
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>					

*Note:*

*In Block 1, format name as “[last name] [first name] [middle initial]” in order to ensure the signature block at the end of the report will be correct*

*List the current date in Block 3*

*List your position and status in Block 4*

*Indicate the type of report in Block 5a*

*Check Block 5b. if filing an amended report (e.g. when responding to letter(s) from the Committee, or if filing a self-initiated amendment). When filing an amended report, the date in block 3 should be updated*

*Confirm that Block 6 covers the correct reporting period; for annual reports this is January 1, 2021 – December 31, 2021*

## **Part I. Positions**

Unlike other Parts, Positions held by the filer must cover from January 1 of the reporting period **through the date the report is filed**. Section 102(a)(6)(A). For nomination, initial, and final reports, refer to Appendices I and II of these instructions.

A complete listing is required of all positions held by the filer as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Disclose your position even if you are not compensated and even if neither you nor a member of your family has any financial interest in the entities listed. **You are not required to report positions held in any religious, social, fraternal, or political entity, or positions solely of an honorary nature. Section 102(a)(6)(A).**

Please note that positions held are listed in this part, while associated assets owned or held are reported in Part VII (Investments and Trusts).

For Article III judges, bankruptcy judges, and magistrate judges, the Code of Conduct for United States Judges specifies additional constraints on the positions that may be held. See especially Canons 4 and 5. Part-time magistrate judges are governed by special rules as provided in 28 U.S.C. § 632(b) and the Code of Conduct for United States Judges, Compliance with the Code of Conduct. The Code of Conduct appears in the *Guide to Judiciary Policy*, Vol. 2, Part A, Ch. 2.

Additional information – e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council – that bears on the question whether a position presents a potential conflict of interest or issue under the Code of Conduct for United States Judges should be provided in Part I or Part VIII.

### **I. POSITIONS.** (Reporting individuals only; see *Guide to Judiciary Policy*, Volume 2D, Ch. 3, § 345 Trustees, Executors, Administrators, and Custodians; § 350 Power of Attorney; § 355 Outside Positions.)

☐ NONE (No Reportable positions.)

<b><u>POSITION</u></b>	<b><u>NAME OF ORGANIZATION/ENTITY</u></b>
1. Director	Girls and Boys Club of America
2. Trustee	Family Trust #1
3. Trustee	Trust #2 (no reportable assets)
4. Member	ABC LLC
5. Professor	Marvel University Law School

*Note:*

*Provide the full name of the position and the organization*

*Consider whether the position appears to present a conflict of interest*

*Provide a listing of corresponding assets in Part VII, if the position so requires*

### Commentary

*A power of attorney need not be reported in Part I if it has not been exercised –for example, if it is conditioned upon an event that has not yet occurred, such as the disability of the grantor. Similarly, a filer is not required to report a “successor trustee” position or any similar fiduciary position that is contingent upon an event that has not yet occurred. Once a power of attorney has been exercised, it should be reported in Part I. Beginning in calendar year 2013, the Committee does not require filers to report in Part VII investment assets subject to a power of attorney, whether or not the power has been exercised.*

*The positions a filer may hold normally are determined by the filer’s status. Each category is affected by the Canons and statutes governing the creation and duties of the position held. Examples are as follows:*

#### Judges

*A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge’s family, and then only if such service will not interfere with the proper performance of judicial duties. “Member of the judge’s family means any relative of a judge by blood, adoption, or marriage or any other person treated by a judge as a member of the judge’s family.” (Canon 4E.)*

*The duties of a co-trustee are, while nominal, fiduciary in nature. Canon 4E would seem to rule out service as fiduciary for a trust other than the trust of a family member. Service as a fiduciary for other than a member of the family is permitted to continue in limited circumstances, as provided in the Code’s “Applicable Date of Compliance” section, but this section seems to contemplate a relationship with an individual rather than with a pension plan. In any event, even such a non-family fiduciary relationship is to be terminated as stated in the Compliance section. (Advisory Opinion No. 33.)*

*Persons to whom this Code applies should arrange their financial and fiduciary affairs as soon as reasonably possible to comply with it and should do so in any event within one year after appointment. If, however, the demands on the person’s time and the possibility of conflicts of interest are not substantial, such a person may continue to act, without compensation, as an executor, administrator, trustee, or other fiduciary for the estate or person of one who is not a member of the person’s family if terminating the relationship would unnecessarily jeopardize any substantial interest of the estate or person and if the judicial council of the circuit approves. (Code of Conduct for United States Judges, Applicable Date of Compliance)*

*A judge may serve as a part-time special lecturer in law or as a faculty member at a law school. It is necessary for the judge to obtain advance approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, before engaging in teaching activity. The normal restrictions on extra judicial compensation apply; the compensation must be reasonable in amount, no greater than a similarly situated non-judge would receive for the same service; the 15% cap on outside earned income is applicable; and the payments must be included in Part III of the report.*

*Senior judges designated in 5 U.S.C. app. § 502(b), (justices and senior judges) are excluded from the 15% cap on compensation received from approved teaching. Even if the Ethics Reform Act is satisfied, provisions of the Code of Conduct for United States Judges also must be satisfied.*

*Canon 4F exempts from its scope institutions “concerning the law, the legal system, or the administration of justice.” The Commentary to Canon 4A indicates that law schools fall within this exemption, stating expressly that “[t]eaching and serving on the board of a law school are permissible, but in the case of a for-profit law school, board service is limited to a nongoverning advisory board.” Thus, a judge generally may serve on a law school’s board of visitors (an advisory group assisting the law school dean), whether the law school is public or private, and may also serve on a law school’s board of trustees. (Ethics Deskbook for United States Judges, § 8.03)*

*Judges generally may serve on boards of directors or trustees of private colleges and universities, subject to the balance of the Code. Service on the governing board of a public college or university, however, implicates Canon 4F’s limitation on governmental appointments. Advisory Opinion 44 holds that service on a state board vested with authority to operate a public college or university violates Canon 4F. Service on the governing board of a state-related college or university is also prohibited. Service on nongoverning advisory boards may be permitted depending on the nature and scope of the board’s authority and function. (Ethics Deskbook for United States Judges, § 8.03)*

*A judge may hold and manage investments, including real estate, and engage in other remunerative activity, but should refrain from financial and business dealings that exploit the judicial position or involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves. (Code of Conduct for United States Judges, Canon 4, D(1))*

*A judge may serve as an officer, director, active partner, manager, advisor, or employee of a business only if the business is closely held and controlled by members of the judge’s family. For this purpose, “members of the judge’s family” means persons related to the judge or the judge’s spouse within the third degree of relationship as defined in Canon 3C(3)(a), any other relative with whom the judge or the judge’s spouse maintains a close familial relationship, and the spouse of any of the foregoing. (Code of Conduct for United States Judges, Canon 4, D(2))*

*Judges who wish to participate in their communities through service on nonprofit boards are at liberty to do so, subject to certain restrictions discussed in Canon 4 of the Code of Conduct for United States Judges. In deciding whether to serve on a particular nonprofit board, judges should bear in mind the Code’s basic imperative that “[a] judge should avoid impropriety and the appearance of impropriety in all activities.” Canon 2. (Advisory Opinion No. 2.)*

*The listing of a position as partner in a business in Part I ordinarily will require a listing of the income and value of the business in Part VII. If the partnership owns or trades in securities and the filer can influence the selection of assets for purchase or sale, the individual securities and transactions should be reported in Part VII.*



### Part-time Magistrate Judges

*Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, or act in any capacity that is inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632(b).)*

### Judicial Employees

*a. No covered senior employee, as defined in the Judicial Conference Regulations on Outside Earned Income, Honoraria, and Outside Employment, Guide to Judiciary Policy, Vol. 2, Part C, Ch. 10, § 1020.35, shall:*

- (1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;*
- (2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;*
- (3) practice a profession which involves a fiduciary relationship for compensation;*
- (4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or*
- (5) receive compensation for teaching, without the prior notification and approval as herein provided.*

*Note: Covered senior employees of the Court of International Trade or the Court of Federal Claims must obtain approval from the chief judges of those courts. Covered senior employees of the Tax Court must obtain approval from the chief judge of the Tax Court. Commissioners and covered senior employees of the Sentencing Commission shall obtain approval from the Chairman of the Sentencing Commission. Covered senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.*

*“Covered senior employees” means personnel who: (1) are listed in Sec. 1020.20(b)(1)-(12) and (2) “whose rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.” Guide to Judiciary Policy.*

*b. Judicial Employees. A judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority. (Code of Conduct for Judicial Employees, Canon 4A.)*

*c. Federal Public Defenders. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not present an appearance of impropriety and does not interfere with the defender employee's primary responsibility to the defender office. (Code of Conduct for Federal Public Defender Employees, Canon 5D.)*

## **Part II. Agreements**

List any agreement entered into by the filer with respect to:

- (a) future employment;
- (b) a leave of absence during government service;
- (c) continuation of payments by a former employer other than the United States; and
- (d) continuing participation in an employee welfare or benefit plan (defined benefit pension plan) maintained by a former employer.

Report the date, parties, and terms of the agreement for all agreements in existence at any time during the reporting period. Section 102(a)(7).

Any additional information – e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council – that bears upon the question whether an agreement presents a potential conflict of interest problem or issue under the Code of Conduct for United States Judges should be provided in Part II or Part VIII with reference to any supporting documentation filed in FiDO under “Requests/Letters to the Committee - Miscellaneous.”

### **II. AGREEMENTS.** *(Reporting individuals only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 340 Agreements and Arrangements)*

☐ NONE (No Reportable agreements.)

#### **DATE**

#### **PARTIES AND TERMS**

1. 2008

Jones & Smith Retirement Plan with former law firm, firm-managed asset selection

2. 2001

State of Texas: Judicial Pension

3.

*Note:*

*Provide the date(s), parties, and terms*

*The agreement should be permissible*

#### **Commentary**

#### **Continuation of payments by a former employer other than the United States**

*Advisory Opinion 24 explains that a judge may negotiate an agreement with his or her former law firm to buy out the judge's financial interest in the firm or to compensate for services rendered by the judge while with the firm, including any interest in contingent fee matters. But a judge may not continue to share in profits of the prior employer after departure. Nor may payments to the judge be*

*conditioned on, or measured in any way by, the prior employer's post-departure earnings. For example, in contingent fee matters, the judge may be compensated for the judge's own efforts, but not for the firm's efforts to bring the matter to resolution after the judge takes the bench. (Ethics Deskbook for United States Judges, §2.01 (a))*

*The ideal separation agreement will provide the judge a lump-sum payment before or shortly after the judge takes the bench. It is appropriate, however, for a judge to accept periodic payments from a former law firm while on the bench. In this event, the judge must recuse from all cases in which the former firm appears for as long as the payments continue and for a reasonable time after the payments cease. (Ethics Deskbook for United States Judges, §2.01 (a))*

#### Continuing participation in an employee welfare or benefit plan maintained by a former employer

*Other relationships with a judge's former law firm may raise recusal considerations. For example, if the firm continues to manage the judge's pension or retirement accounts, the judge should recuse, subject to remittal, from cases in which the firm appears. This recusal obligation exists even when a judge's retirement payments are fixed and thus not contingent on the firm's income or the performance of the firm's investment assets. If the former firm has purchased an annuity to fund the judge's retirement benefits but the firm remains contingently liable, the judge should recuse from matters in which the firm appears. If, however, the judge and not the firm owns the annuity and the firm has no continuing liability, the judge need only recuse in cases pending before purchase of the annuity. (Ethics Deskbook for United States Judges, §2.01 (a))*

#### Other Employment

*Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving, they may engage in the practice of law and, within certain restrictions, engage in any other employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. §632.)*

*A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge: (1) is not required to comply with Canons 4A(4), 4A(5), 4D(2), 4E, and 4F; (2) except as provided in the Conflict-of-Interest Rules for Part-time Magistrate Judges, should not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, or act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.*

*The judge should take reasonable steps to require that law clerks keep the judge informed of their future employment plans and prospects. Participation by the law clerk in a pending case involving the prospective employer may reasonably create an appearance of impropriety and a cause for concern on the part of opposing counsel. A former law clerk should be disqualified from work in the United States attorney's office on any cases that were pending in the court during the law clerk's employment with the court. (Advisory Opinion Nos. 74 and 81 (summary).)*

### **Part III. Non-Investment Income**

Each filer must report outside earned income in Part III A. Filer's spouse's reportable outside earned income is required in Part III B.

#### **Part III A - Filer**

Report the date(s), source, type, and amount of income. Report gross non-investment income aggregating \$200 or more from whatever source (except federal government employment), including but not limited to: compensation for services, including fees, commissions, etc.; income derived from business; royalties from intellectual property such as copyrights; and benefits from vested pension plans. Income derived from a business can be listed as net or gross and indicated as such. Section 109(7). Honoraria are treated differently. Section 102(a)(1)(A). See Outside Employment and Honoraria, below.

#### **Part III B – Filer's Spouse**

Report only the date(s) and source of earned income from any source that exceeds \$1,000, (other than from federal government employment).

If a spouse is self-employed in business or a profession, only the nature of such business or profession and the words "self-employed" should be reported (e.g., self-employed attorney or self-employed financial consultant). A spouse is "self-employed" with regard to the net earnings that exceed \$1,000 derived from a profession or business carried on by the spouse as a sole proprietor or a partnership of which the spouse is a member. See Treas. Reg. 26 C.F.R. § 1.1401-1(c).

Report the date(s) on which the service(s) were provided, source, and actual dollar amount or value of any honoraria received by or accrued to the spouse (or payments made or to be made to charity on the spouse's behalf in lieu of honoraria).

#### **Honoraria and Outside Employment**

Special attention should be given to the Judicial Conference Regulations on Outside Earned Income, Honoraria, and Outside Employment in the *Guide to Judiciary Policy*, Vol. 2, Part C, Ch. 10.

Please note that all "judicial officers and employees" are subject to the regulations on honoraria while only "covered senior employees" are subject to the regulations on outside earned income and outside employment.

#### **Definition of Judicial Officer or Employee**

With very minor exceptions, all judiciary personnel are "judicial officers or employees." The definition of "judicial officer or employee" can be found at *Guide to Judiciary Policy*, Vol. 2, Pt. C, Ch. 10, § 1020.20(a)(1)-(10). (The exceptions include Justices, officers and employees of the Supreme Court, part-time magistrate judges, and officers and employees of the Federal Judicial Center. See *Guide to Judiciary Policy*, Vol. 2, Pt. C, Ch. 10, § 1020(a)(10).)

### Definition of Covered Senior Employees

“Covered senior employees” means personnel who: (1) are listed in Sec. 1020.20(b)(1)-(12) and (2) “whose rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule. Before reviewing the regulations on outside income and employment, it may be helpful to carefully review section 1020.20(b) in the *Guide to Judiciary Policy*.

### Honoraria

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, all judicial officers and employees as defined in section 1020.20(a)(1)-(10) are prohibited from accepting honoraria for any “appearance, speech, or article.” Actual and necessary travel expenses incurred by the person and one relative are not deemed to constitute honoraria. 5 U.S.C. app. § 501(b).

- No judicial officer or employee may accept honoraria, but a payment may be made on behalf of such officer or employee to a charitable organization in lieu of the honorarium, so long as the payment does not exceed \$2,000 and is not made to a charitable organization from which the filer or the filer’s parent, sibling, spouse, child, or dependent relative derives any financial benefit. 5 U.S.C. app. § 501(b) and (c). Section 102(a)(1)(A).

Report donations made on behalf of the filer in Part III A.

Additionally, a confidential corresponding list of recipients is required. List all such payments, including the source, recipient, date, and amount of payments made to charitable organizations in lieu of honoraria on behalf of the filer via FiDO under Confidential List of Charitable Donations in Lieu of Honoraria.

Any filer listing honoraria without the corresponding Confidential List of Charitable Donations will be questioned for clarification and may be referred to the Committee on Codes of Conduct for an advisory opinion.

### Commentary

*Judges may be compensated and reimbursed for teaching and training activities. Any compensation received by a judge must be reasonable and no greater than that received by a similarly situated nonjudge teacher. Compensation is also subject to the statutory cap on outside earned income under 5 U.S.C. app. §§ 501(a)(1) and 502(b), explored in Section 9.02. Any outside income from teaching must receive prior approval from the chief judge of the circuit or, in the case of the chief judge, from the Judicial Council. Expense reimbursement is limited to reasonable actual costs of travel, food, and lodging incurred by the judge and, as appropriate, the judge’s spouse or relative. All payments related to teaching and training activities must be included in the judge’s annual financial disclosure report. (Ethics Deskbook for United States Judges, § 7.03 (d))*

*Although compensation from teaching and honoraria for speaking may appear similar, Advisory Opinion 86 provides that a judge may not treat a lecture stipend as an honorarium rather than teaching compensation. Similarly, although otherwise-prohibited honoraria may be diverted to charity under 5 U.S.C. app. § 501(c), judges may not do the same with lecturing stipends. Advisory Opinion 86 takes as*

*an example a judge who has already reached the outside earned income cap for a calendar year and plans to deliver a lecture in the same year for which the law school ordinarily would pay a stipend. The opinion states that it would be inadvisable to exclude a lecturing stipend from “outside earned income” if the stipend is paid directly to charity by the judge, unless the judge is confident that such funds would not be included in the judge’s gross income calculation for tax purposes. (Ethics Deskbook for United States Judges, §9.02 (d))*

### Outside Employment

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, covered senior employees, are prohibited from:

- Receiving more than 15% of the pay rate for Executive Level II in earned income from outside employment if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant (see 5 U.S.C., § 5313 for the pay rate for Executive Level II). 5 U.S.C. app. § 501(a)(1). Those covered by the provisions of this Act for only a portion of a year must pro-rate the 15% on the basis of the number of days the person will actually work in that calendar year. 5 U.S.C. app. § 501(a)(2).
- Being affiliated with or being employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation, serving for compensation as an officer or member of the board of any association, corporation, or other entity. 5 U.S.C. app. § 502.
- Receiving compensation for teaching without prior notification and approval from the appropriate official, if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant. 5 U.S.C. app. § 502. Procedures for requesting approval appear in § 1020.35 of the Judicial Conference Regulations on Outside Earned Income, Honoraria, and Outside Employment, referenced in Appendix III.

For 2021, the value of the limitation of 15 percent of the pay rate for Executive Level II in earned income from outside employment is \$29,595.

Difficulty may arise concerning what constitutes outside earned income (that is attributed solely to the filer and not to the spouse). The following lists common examples of compensated activities that are subject to the calendar year income limitation, less the ordinary and necessary expenses paid or incurred in producing the income:

- (1) teaching
- (2) serving as trustee of a family trust or executor of a family estate, and
- (3) writing (e.g. fees for writing a book chapter, but see below as to book royalties).

In addition, the following common examples do not constitute outside earned income and have no limitations imposed on the filer:

- (1) pensions, annuities, and deferred compensation for services rendered prior to becoming a judicial officer or senior employee,
- (2) investment funds,
- (3) funds received from a family owned business,
- (4) publication royalties, fees, and their functional equivalent, and
- (5) compensation received by a senior judge for teaching.

#### Commentary

Please see Guide to Judiciary Policy, Vol. 2, Part C, Ch. 10, Outside Earned Income, Honoraria and Employment *and* Advisory Opinion No. 86, “Honoraria, Teaching, and Outside Earned Income Limitation,” for further-detailed interpretations on these issues that may serve as a helpful guideline.

*The full scope of a judge’s ability to serve as a fiduciary of an estate or trust is set forth in Canon 4E and Advisory Opinion 96. As relevant here, a judge who serves as a trustee for a family member may accept compensation for doing so, provided that the compensation is reasonable and not more than what a person who is not a judge would receive for the same work. The compensation must also accord with the balance of the Code—namely, it must be consistent with outside earned income restrictions and must not introduce an appearance of impropriety or give the appearance of influencing the judge. (Ethics Deskbook for United States Judges, §9.02 (d))*

#### **In Part III, you are not required to report the following:**

- compensation earned by you or your spouse for employment by the United States Federal Government. Section 102(a)(1)(A)
- filer’s income that from a single source did not aggregate \$200 or more during the reporting period. Section 102(a)(1)(A)
- spouse’s earned income from a single source, if it did not aggregate more than \$1,000 during the reporting period. Section 102(e)(1)(A)
- any information about dependent child’s non-investment income. Section 102(e)(1)(A)
- proceeds from life insurance policies
- annuity income from a contract purchased or owned by the filer or spouse, as this is required in Part VII
- a “royalty” or any other payment from ownership or investment in oil, gas, or other mineral interests or enterprises, as this is required in Part VII
- information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation or with respect to any income



or obligations arising from the dissolution or permanent separation. Section 102(e)(2). In this instance, mark the “NONE” box in Part III B

- any political campaign funds, including campaign receipts. Section 102(g)
- income derived from any retirement system under title 5, United States Code (including the Thrift Savings Plan under Subchapter III of Chapter 84 of such title) or any other retirement system maintained by the United States for officers or employees of the United States. Section 102(i)(1)
- benefits received from Social Security. Section 102(i)(2)
- death benefits under insurance policies, gifts, inheritances, tort recoveries and other compensation for injuries and sickness, disability compensation, income tax refunds, and veteran’s benefits

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 320 Income; § 360 Spouses and Dependent Children.)*

**A. Filer's Non-Investment Income -**

☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS AMOUNT</u>
1. 2021	East Publishing Company, book royalties	\$6,500.00
2. 2021	WV Law School, teaching income	\$4,500.00
3. 2021	Management fees as Trustee for Family Trust #1	\$5,000.00

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section*

*(dollar amount not required except for honoraria)*

☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE</u>
1. 2021	Nelson and Murdock Law Office
2. 2021	self-employed writer
3. 2021	Rand Enterprises, Honoraria, : \$180
4. 2021	Teachers Retirement System of Texas Annuity

*Note:*

*Confirm whether the filer's income is subject to the 15% limitation (\$29,595 for 2021)*

*If applicable, review the special rules for accepting and reporting honoraria (page 18)*

**Commentary**

*No income should be disclosed in this part if it is derived from an investment asset that should be reported in Part VII. Thus, a "royalty" received from the use or sale of copyright, patent, or other legally recognized intellectual property rights should be reported in Part III, but a "royalty" or other payment from ownership or investment in oil, gas, or other mineral interests or enterprises should be disclosed in Part VII.*

*Annuity Income: Income received from an annuity purchased by the filer (or transferred to the filer) should be reported in Part VII rather than in Part III as it represents a return on the filer's investment. Similarly, where a filer has converted an IRA or other account to an annuity, the value of the annuity and income paid pursuant to the annuity should be reported in Part VII as an investment*

*asset. Income received from an annuity that was purchased and is owned by an employer, and in which the filer does not have ownership of the contract or the underlying assets, should be reported in Part III as a form of deferred compensation.*

## **Part IV. Reimbursements**

Report information about reimbursements received by the filer, spouse and dependent children. However, reimbursements received totally independent of the relationship to the filer by spouse and/or dependent child are not required to be reported. Sections 102(a)(2)(A) and (C); and 102(e)(1)(C) and (D).

A reimbursement means any payment or other thing of value to cover travel related expenses, other than gifts, whether those expenses were paid directly by a third party or the filer was paid after submitting a travel voucher. Examples of reportable reimbursements include seminars, moot court competitions, judges' association meetings, and other similar activities where your expenses (travel, food, lodging, seminar fees, and other miscellaneous fees) are paid by a non-governmental organization or a private party. Section 109(15).

Identify the source of funding, the dates of travel, the location of the trip, the purpose for the trip, and nature of expenses provided, for reimbursements received from any single source aggregating more than \$415 in value. It is not necessary to include the dollar value of a travel reimbursement. Section 102(a)(2)(B).

### **In Part IV, you are not required to report the following:**

- food, lodging, or entertainment received from a relative. Section 102(a)(2)(A)  
Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiancé or fiancée of the reporting person. Section 109(16).
- food, lodging, or entertainment received as personal hospitality; this is reported in Part V (Gifts). Section 102(a)(2)(A)  
Personal hospitality means hospitality extended for a nonbusiness purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(15).
- reimbursements received by your spouse and dependent children, independently of their relationship to you. Section 102(e)(1)(C) and (D)
- reimbursements received in a period when you were not an officer or employee of the federal government. Section 102(h)
- reimbursements provided by a foreign government within a foreign country or by the United States, the District of Columbia, or a state or local government or political subdivision thereof; required to be reported under 5 U.S.C. § 7342; or required to be reported under 2 U.S.C. § 434. Section 109(15)

Officers and employees are prohibited from soliciting or accepting anything of value from a person seeking official action from, doing business with, or whose interests would be substantially affected by, the performance or nonperformance of official duties. 5 U.S.C. § 7353. This prohibition applies to all reimbursements and gifts covered in Parts IV and V of the Financial Disclosure Report.

#### **IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.***

*(Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)*

☐ NONE (*No reportable reimbursements.*)

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID/PROVIDED</u>
1. ABC Foundation	June 9, 2021	Haymarket, VA	Board of Directors Meeting	Transportation, meals, hotel
2. ABA -National	August 7-11, 2021	Butte, MT	Social Media Surveillance Seminar	Transportation, meals, lodging, tuition
3. VA CLE	Nov 7-8, 2021	Williamsburg, VA	TAX CLE (teaching)	Transportation, food, hotel
4.				

*Note:*

*Consider whether the reimbursement may properly be accepted by you, your spouse, or dependent child*

#### *Commentary*

*The following guidance from the Committee on Codes of Conduct relates to issues associated with this part.*

*Section 5(b)(3) [now §620.35(b)(3)] of the Gift Regulations specifically authorizes acceptance of an invitation and travel expenses for the judge and a family member to attend bar-related functions. We see no impropriety if a judge and spouse are reimbursed for hotel and travel expenses reasonably required for their attendance at dinners and similar social events sponsored by lawyer organizations such as bar associations. An appearance of impropriety might arise, however, if the hospitality was extended by lawyer organizations identified with a particular viewpoint regularly advanced in litigation. (Advisory Opinion No. 17)*

*A judge participating as a faculty member in a two-week seminar of general interest organized on a nonprofit basis and financed by tuition and subsistence payments by non-faculty attendees may accept reimbursement for the judge's and the judge's spouse's travel and subsistence expenses. (Advisory Opinion No. 3.)*

*A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this Code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by a judicial employee and, where appropriate to the occasion, by the judicial employee's spouse or relative. Any payment in excess of such an amount is compensation. (Code of Conduct for Judicial Employees, Canon 4E.)*

*Please see Guide to Judiciary Policy, Vol. 2, Part C, Ch. 10, Outside Earned Income, Honoraria and Employment for further information.*

## **Part V. Gifts**

Report information on gifts aggregating more than \$415 in value received by the filer, spouse and dependent child from any source other than a relative during the reporting period. Any gift with a fair market value of \$166 or less need not be aggregated to determine if the \$415 reporting threshold has been met. Section 102(a)(2)(A).

A gift is a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. Section 109(5). Personal hospitality need not be reported. Personal hospitality means hospitality extended for a non-business purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(14).

If you have been extended an honorary membership in an organization and you avail yourself of the privileges, rights, etc., to a substantial degree, and the dues are in excess of \$415 per year, you must report the honorary membership in this part. Judges are prohibited by Pub. L. No. 110-402 from accepting honorary club memberships with a value greater than \$50.

### **In Part V, you are not required to report the following:**

- gifts received from a relative. Section 102(a)(2)(A)  
Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiancé or fiancée of the reporting person. Section 109(16).
- gifts received by a spouse and dependent children, totally independent of their relationship to you. Section 102(e)(1)(C)
- gifts received in a period when you were not an officer or employee of the federal government. Section 102(h)
- gifts that are bequests and other forms of inheritance. Section 109(5)(A)
- communications to the offices of a filer, including subscriptions to newspapers and periodicals. Section 109(5)(E)
- suitable mementos of a function honoring the filer. Section 109(5)(B)

**V. GIFTS.** *(Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)*

☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Kurt Sloane	Tickets to World Kickboxing Championship	\$1500.00
2. The Inns of Court	Honorary Membership (dues, like privileges)	\$1200.00
3.		
4.		

*Note:*

*Identify the source by name, description of the gift, and actual dollar value*

*Consider whether the gift may properly be accepted by you, your spouse, or dependent child*

*Commentary*

*If a stock is listed as a gift, the stock should also be reported in Part VII, Investments and Trusts, and “(X)” should be added to the description in Column A to explain the appearance of the new asset in Part VII.*

*The value of a gift is shown by a dollar amount, not by a value code.*

*If the gift is from an individual, the individual must be specifically named. It is not acceptable to identify the source of the gift as “boyfriend,” “girlfriend,” “friend,” or “significant other.”*

*Investitures and Similar Ceremonies*

*Under the Gifts Regulations, permissible investiture-related gift-givers include friends, Advisory Opinion 98 lists several examples of investiture related gifts that the Committee [on Codes of Conduct] has found to be appropriate:*

- *a judicial robe from former law partners;*
- *a clock from a bar association;*
- *a chair from former state judicial colleagues; and*
- *a gavel and a \$500 monetary gift from a former client.*

*In most cases, acceptance of an investiture-related gift will require the judge’s recusal in all matters involving the donor. Where the gift is given by a group and the cost is proportionately shared, recusal may not be necessary if the amount contributed per donor is “relatively small.”*



*In determining whether to recuse, and for what period of time, the judge should be guided by Canon 3C(1).*

*Advisory Opinion 98 also cautions that judges should not accept investiture-related gifts from an entity with which the judge could not permissibly affiliate under the Code. A judge should not accept investiture-related gifts from an entity which:*

- *identifies publicly with a controversial legal, social, or political position;*
- *regularly engages in adversarial proceedings in federal court; or*
- *is a political organization or publicly engages in political activity.*

*In no event may a judge solicit gifts. Even when gifts are permissible under the Code and the Gift Regulations, judges must remain cognizant of financial-reporting obligations, which may require disclosure of certain gifts. (Ethics Deskbook for United States Judges, §2.02 (a))*

*May a judge accept a gavel and a gift valued at \$500 from a former client in honor of the judge's investiture? What about from the local bar association? What about from an attorney acquaintance? Yes, yes, and probably no. An investiture gift from a former client or bar association is a gift incident to a public testimonial and is permitted under the Gift Regulations. A gift from an attorney acquaintance who is likely to appear before the court and who is not a close personal friend of the judge is prohibited by the Gift Regulations. (Ethics Deskbook for United States Judges, §2, Examples: Investiture-Related Gifts and Receptions)*

*A judge must be cautious if an award is presented in conjunction with a fund-raising dinner or event. The Commentary to Canon 4C states that "[a] judge may attend fund-raising activities of law-related and other organizations although the judge may not be a speaker, a guest of honor, or featured on the program of such an event." When a judge is chosen to receive an award, it would appear likely that the judge would be either a "guest of honor" or a "speaker" at such an event. Additionally, the judge should consider whether the judge's presence is being employed as a device to promote publicity and the sale of tickets. (Advisory Opinion No. 46).*

### *Gifts on Special Occasions*

*A circuit judge's assistant has coordinated a dinner to be attended by the judge's former clerks to celebrate the judge's 20th year on the bench. The attendees would like to gift the judge and his wife a cruise vacation valued at \$1,500. May they do so? Yes. The gift satisfies the Gift Regulations' "special occasion" exception. It is fairly commensurate with the occasion and the relationship between the judge and former clerks. The best course for the sponsor in this situation (to avoid abuse of the special occasion rule) is to first select a gift and then seek contributions rather than raising as much money as possible and then selecting a gift. (Ethics Deskbook for United States Judges, §9, Examples: Compensation and Reimbursement)*

*A covered senior employee may, under § 1020.25(b)(6), determine outside earned income in a manner consistent with his or her income tax return, or may allocate any amount received in a calendar year over two or more years pursuant to a good faith allocation reflecting the work done.*

*Certain persons and entities have historically fallen within the “safe zone” for hosting investiture-related receptions. For example, a judge may accept an investiture-related reception hosted by a bar association, which generally will not create an appearance of impropriety. A judge also may accept an offer to sponsor or contribute to a reception from a former law firm, corporate employer, business client, or group of colleagues. Under the Gift Regulations, such an offer may be properly considered either (1) a gift from a friend, assuming the gift is commensurate with the occasion and relationship, or (2) a gift incident to a public testimonial. The judge will likely already be planning to recuse from cases in which such persons or entities appear for a specified period of time, eliminating any appearance-of-impropriety concerns.*

*A more difficult issue arises with persons and entities not closely connected to the judge. For example, ethical concerns may arise when a reception is sponsored or financially supported by a for-profit corporation. Such circumstances raise appearance-of-impropriety concerns under Canon 2 and suggest that the corporation may be in a special position to influence the judge in contravention of Canon 2B. Relatedly, judges should not accept an offer to host or sponsor an investiture reception from a political organization or from persons or entities that take positions on controversial legal, social, or political issues that regularly litigate in federal court. (Ethics Deskbook for United States Judges, § 2.02 (b))*

*May a judge permit a local for-profit organization to host a reception to honor the judge’s investiture when the judge has no preexisting relationship with the organization and would not otherwise be required to recuse from matters involving the organization? No. This would convey the impression that the organization was in a unique position to influence the judge in violation of the Code and the Gift Regulations. (Ethics Deskbook for United States Judges, § 2, Examples: Investiture-Related Gifts and Receptions)*

### Commentary

*It is permissible for a judge to attend, and accept hospitality at bar association events and meetings of other organizations devoted to improvement of the law, legal system, or the administration of justice. With respect to attendance at cocktail parties hosted by law firms in connection with bar meetings, judicial conferences, and the like, there is no impropriety in a judge accepting such invitations in the absence of reason to believe that such attendance will reasonably reflect unfavorably on the judge’s impartiality or is likely to be exploited by the law firm. (Advisory Opinion No. 17.)*

*The Gift Regulations include a number of exceptions to the prohibition against accepting gifts. Note that there are no exceptions to the prohibition against soliciting gifts. Under Section 620.35 of the Gift Regulations, a judicial officer or employee may accept (but not solicit) a gift in the following circumstances:*

- **Public Testimonials.** *A gift made incident to a public testimonial and fairly commensurate with the occasion.*
- **Complimentary Resources.** *A gift consisting of complimentary books, calendars, tapes, or other resource materials supplied for official use.*
- **Reimbursement for Law-Related Travel.** *A gift consisting of an invitation and travel expenses—including transportation, food, and lodging for the judge or employee and a family member*

*traveling with the judge or employee—to attend bar-related functions, educational activities, or other activities devoted to improvement of the law, legal system, or administration of justice.*

- **Close Relatives and Friends.** *A gift made by a relative or friend of the judicial officer or employee, if that person’s appearance or interest in a matter otherwise would disqualify the judicial officer or employee from participating with respect to the matter, or if the gift is made in connection with a special occasion (for example, a wedding, anniversary, or birthday) and is fairly commensurate with the occasion and the relationship. (Ethics Deskbook for United States Judges, § 9.03)*

*A judge should comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Gift Regulations. A judge should endeavor to prevent any member of the judge’s family residing in the household from soliciting or accepting a gift except to the extent that a judge would be permitted to do so by the Judicial Conference Gift Regulations. A “member of the judge’s family” means any relative of a judge by blood, adoption, or marriage, or any person treated by a judge as a member of the judge’s family. (Canon 4, D(4))*

#### **Honorary/Reduced-Rate Memberships**

*It is permissible for a judge to accept a free or reduced fee membership in a professional group or service organization, including a waiver or reduction in the initiation fee in such organization if it is customary in that community, similar privileges are extended to other public officials, the interests of the organizations have not and are not likely to come before the judge, and the judge is satisfied that the membership is not being used by the organization to promote its endeavors. Notwithstanding these provisions, judges are prohibited by Pub. L. No. 110-402 from accepting free or reduced fee memberships in social clubs if such memberships are valued more than \$50. (Advisory Opinion No. 47.)*

*Judges are regularly offered complimentary or discounted membership in recreational and social clubs, as well as in professional associations. In 2008, Congress amended 5 U.S.C. § 7353 to include a statutory note concerning acceptance of honorary club memberships by federal judges. That section provides: “A judicial officer may not accept a gift of an honorary club membership with a value of more than \$50 in any calendar year.” Guidance issued by the Director of the Administrative Office of the United States Courts in the immediate wake of the statute’s enactment concludes that the statute applies to Article III judges as well as bankruptcy and magistrate judges. The Director’s memorandum also addresses the scope of the prohibition, advising that it extends to recreational and social clubs (such as country clubs, athletic clubs, or dining clubs) but does not apply to memberships in professional associations (such as bar associations). (Ethics Deskbook for United States Judges, § 8.05)*

## **Part VI. Liabilities**

List all the filer's, spouse's and dependent children's liabilities to any creditor other than a spouse, parent, brother, sister, or child, that exceeded \$10,000 at any time during the reporting period. However, you are not required to report any revolving charge account whose balance did not exceed \$10,000 as of the last day of the reporting period. Sections 102(a)(4) and 102(e)(1)(E).

In this part, list the identity and category of value of each liability. The identity includes the name of the creditor and a description of the liability. Section 102(a)(4).

The value codes for the amount owed as of the end of the reporting period governed by Section 102(d)(1) of the Act and are shown on the report as follows:

J - \$15,000 or less	O - \$500,001 to \$1,000,000
K - \$15,001 to \$50,000	P1 - \$1,000,001 to \$5,000,000
L - \$50,001 to \$100,000	P2 - \$5,000,001 to \$25,000,000
M - \$100,001 to \$250,000	P3 - \$25,000,001 to \$50,000,000
N - \$250,001 to \$500,000	P4 - more than \$50,000,000

For ongoing obligations such as tuition agreements, reportability turns on the terms of the obligation itself. For tuition agreements, the obligation is reportable as a liability if the filer, spouse, or child is obligated to make payments that total more than \$10,000 during the reporting period, regardless of whether the student continues in the school.

The reporting requirement relates to obligations that at any time during the reporting period exceeded \$10,000, but the amount to be shown in the Value Code column is the amount owed as of the end of the reporting period. If the debt was entirely repaid before the end of the reporting period, enter "None" in the Value Code column.

### **In Part VI, you are not required to report the following:**

- any liability owed to a spouse, parent, brother, sister, or child. Section 102(a)(4)
- any mortgage, home equity loan, or line of credit secured by real property that is a personal residence of you or your spouse. Section 102(a)(4)(A)
- any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability. Section 102(a)(4)(B)
- any information with respect to a spouse living separate and apart from you with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution of the marriage or permanent separation. Section 102(e)(2)
- any revolving charge account (credit cards) whose balance did not exceed \$10,000 as of the close of the reporting period

- political campaign funds, including campaign receipts and expenditures. Section 102(g)
- any liability that is the sole liability or responsibility of the spouse or child; that is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of investments and trusts, see the Instructions for Part VII

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 335 Liabilities; § 360 Spouses and Dependent Children.)*

☐ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Bank of America	Credit Card	L
2. Fargo Federal Credit Union	Mortgage on Rental Prop. #1, Washington, DC (Part VII, line 2)	N
3. Scrooge McDuck University	Tuition Agreements	None

*Note:*

*Identify the creditor and provide a description of the liability and a value code, if applicable, for the amount*

*Provide a listing of corresponding assets in Part VII (e.g., Rental Property #1, Washington, DC), if an investment property mortgage is included in this Part*

## **Part VII. Investments and Trusts**

A complete listing is required of reportable assets owned by the reporting person, spouse, and dependent children. **Reportable assets include stocks, bonds, mutual funds, cash equivalent/bank accounts, and notes or accounts receivable**, that have a fair market value in excess of \$1,000 or from which you received income in excess of \$200 during the reporting period. Sections 102(a)(3) and 102(a)(1)(B). **Assets must be listed individually regardless of whether they are held independently or as part of an account. Types of accounts include, but are not limited to: brokerage accounts, 401Ks (any type of retirement accounts), educational savings (529) plans, variable annuity products, and/or variable life insurance policies.**

Cash accounts in a bank, savings and loan association, credit union, or similar financial institution which have an aggregate value at the end of the reporting period of more than \$5,000, or from which you earned interest income in excess of \$200 during the reporting period, must be listed. If either condition is met, the name of the financial institution, the amount of income, and the value of the accounts must be listed. Sections 102(a)(1)(B) and 102(a)(3).

Report assets that were held in a trade or business that were held for investment or the production of income, or if they were passive assets (not actively used in the trade or business), if any of the assets had: a fair market value in excess of \$1,000 **or** from which you received income in excess of \$200 during the reporting period.

Information pertaining to a personal residence is exempted from reporting, unless the property generates rental income.

Compare the list of assets in Part VII from the prior report to those in the current report and ensure that an explanation is provided for every asset that does not appear on both reports. For example, an asset that was reported as “Sold” in the prior report should not be listed in the current report unless it was purchased anew during the current reporting period (reflected as such on the report with acquisition details in Column D or “(X)” on Column A).

Include an “(X)” at the end of the asset description in Column A to explain the appearance of an asset for which there is not a corresponding reportable transaction in Column D. Some examples include:

- assets that increased in value to over \$1,000 (or the income earned is over \$200)
- assets inherited
- assets now reportable due to marriage

Include a “(Y)” at the end of the asset description in Column A to explain the omission of a previously reportable asset for which there is not a corresponding reportable transaction in Column D. Some examples include:

- assets that drop below the \$1,000 reporting thresholds (and the income earned is less than \$200)
- assets owned by a former spouse
- assets held by a child that is no longer a dependent

Investment income is to be contrasted with earned income. If the filer's services are a material factor in the production of income, it is earned income and should be reported in Part III. However, limited partners usually receive investment income from the partnership, since they normally do not perform services for the partnership.

Investment income includes returns on investments rather than compensation for personal services. It includes income derived from all forms of property, such as securities, funds, accounts, real estate, partnerships, joint ventures, businesses, and interests in trusts and estates.

### Widely Held Investment Funds

A fund is a widely held investment fund if it:

- 1) is publicly traded or the assets of the fund are widely diversified, and
- 2) the filer neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. Section 102(f)(8).

### Trusts

The reporting of a position in Part I as trustee or similar position requires a listing in Part VII of the assets involved if you, your spouse, or any of your dependent children (1) receives income from the trust or estate, or (2) has a beneficial interest in principal or income from the trust or estate. A reporting person who is required to report any trust, etc., must report the separate assets of the trust or estate.

However, the reporting person need not report the separate assets of a trust:

- (1) that was not created directly by the reporting person, his spouse, or any dependent child; and
- (2) if the filer, his spouse, or any dependent child has no knowledge of the holdings or sources of income. Section 102(f)(2).

### Revocable Living Trust

Nothing in this section requires the reporting of the holdings or income of a revocable inter vivos trust (also known as a "living trust") with respect to which the filer, the filer's spouse, or dependent child has only a remainder interest, vested or not, provided that the grantor of the trust is neither the filer, the filer's spouse, nor the filer's dependent child.

Furthermore, nothing in this section requires the reporting of the holdings or income from the holdings of a revocable inter vivos trust from which the filer, the filer's spouse, or dependent child receives any discretionary distribution, provided that the grantor of the trust is neither the filer, nor the filer's spouse, nor the filer's dependent child. Distributions from the trust received by the filer, the filer's spouse, or the filer's dependent child are reportable as income from the trust.

An unfunded trust need not be listed in Part VII although the position of Trustee may need to be listed in Part I. If a trust: 1) has been established to receive proceeds of a life insurance policy, 2) the insured person is still living, and 3) the trust has no asset valued at more than \$1,000, the filer should either, include "unfunded trust" in Part I or include a note in Part VIII that this is an "unfunded trust."

Similarly, a trust whose sole asset is a term life insurance policy need not be listed in Part VII, as term insurance is not regarded as an investment asset, but if the trust was disclosed in Part I, the filer should include a note in Parts I or VIII explaining that it is an “unfunded trust.”

#### Qualified Blind Trust (Employees Other Than Judges)

A qualified blind trust is subject to special rules. Section 102(f).

The reporting person, other than a judge, is not required to report in Column A the individual assets of a “qualified blind trust.” Section 102(f)(1). Blind trusts are inconsistent with the judge’s recusal obligations under the Code of Conduct for United States Judges (Canon 3C(2)). Other judicial employees may own beneficial interests in qualified blind trusts, as defined and conditioned in the pertinent statutes. Judicial employees considering the establishment of a qualified blind trust are directed specifically to Section 102(f)(3)(D), which requires approval by the Committee on Financial Disclosure.

#### **In Part VII, you are not required to report the following:**

- Investments in the Thrift Savings Plan. Section 102(i)(1)(A)
- Any property, real or personal, not held in a trade or business, or for investment or the production of income. As examples, you need not report a private residence or personal automobiles. Section 102(a)(3)
- Any personal liability owed to you, your spouse, or dependent children by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1)
- Accounts in a bank, savings and loan association, credit union, or similar financial institution, unless the aggregate amount of income for all accounts at the institution is in excess of \$200, or the aggregate value at the end of the reporting period is more than \$5,000. If either condition is met, the name of the financial institution, the amount of income, and the value of the accounts must be disclosed. Sections 102(a)(1)(B) and 102(a)(3)
- Asset information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation. Section 102(e)(2)
- Political campaign funds, including campaign receipts and expenditures. Section 102(g)
- In Part VII, information associated with property that is the sole financial interest or responsibility of the spouse or child; that is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of liabilities; see the Instructions for Part VI.



Commentary

*It should be understood that a reporting exemption for failure to meet a threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.*

### Example

<b>VII. INVESTMENTS AND TRUSTS— income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investments Fuds.)</b>									
A. Description of Assets	B. Income		C. Gross value		D. Transactions during reporting period				
	(1) Amt.	(2) Type	(1) Value	(2) Value Method	(1) Type	(2) Date mm/dd/yy	(3) Value	(4) Gain	
1. Estate #1 (H)									
2. - ABC-House (June 1732) (X)		None	K	Q					
3. - Rental Property, Cherokee County, AL (\$1,200,000)	B	Rent	P1	S					
4. Trust #1 (H)									
5. - Cities Tale preferred stock	A	Dividend	J	T					
6. - Wayne Enterprises Note	B	Interest	L	T					
7. - Central City Water Bond	A	Interest			Redeemed	01/02/21	J		
8. Investment Account #1 (H)									
9. - Ameriprise Money Market Account	A	Interest	J	T					
10. - Columbia Intermediate Bond Fund	A	Dividend	M	T	Buy	03/11/21	L		
11.					Buy (addl)	06/12/21	L		
12. - Apple common stock	B	Dividend	L	T	Sold (part)	03/11/21	J	A	
13. Mass Mutual Variable Life (H)									
14. - Fidelity Blue Chip Growth Fund	A	Dividend	J	T					
15. - Vanguard S&P 500 Index Fund	A	Dividend	M	T					
16. Rental Property, Washington, DC (1994, \$500,000)	E	Rent	O	R					
17. Gringotts Bank cash accounts	B	Interest	L	T	Open	01/01/21	L		
18. Schwab Government Money Market Fund (SNVXX)	A	Int./Div	L	T	Buy (addl)	01/21/21			
19. Note – Jane Doe loan	B	Interest	K	T					

## Column A: Description of Assets

Each asset held, whether individually or in a brokerage account, 401K (or any type of retirement account), 529 or other educational savings account, variable annuity account, variable life insurance policy, and passive asset held in a business must be individually listed. This includes individual stocks, mutual funds, money market funds, bonds, and cash-equivalent accounts. Each asset reported should be described in sufficient detail so as to be readily identifiable. Assets should be listed in the same order as in the previous report.

<b>VII. INVESTMENTS AND TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investments Fuds.)</b>									
A. Description of Assets	B. Income		C. Gross value		D. Transactions during reporting period				
	(1) Amt	(2) Type	(1) Value	(2) Value Method	(1) Type	(2) Date mm/dd/yy	(3) Value	(4) Gain	
1. Investment Account (H)									
2. - Ameriprise Cash Reserve Account	A	Interest	J	T					
3. - Columbia Intermediate Bond Fund	A	Dividend	M	T	Buy	03/11/21	L		
4.					Buy (addl)	06/12/21	K		
5. - Apple common stock	B	Dividend	L	T	Sold (part)	03/11/21	J	A	

- For assets held individually, list the name of the stocks, bonds, and other securities, and indicate the type of the holding, “common stock. Commonly understood abbreviations are permitted such as stock ticker symbols (e.g., “JNJ” for “Johnson & Johnson”) or trademarked names (e.g., “GE Cap 8.5% Bond” for General Electric Capital 8.5% Bond or “GM” for “General Motors”).
- List cash equivalent account(s) (savings, interest checking, money market accounts, CDs) within a bank, credit union, savings and loan, or similar financial institution valued at or aggregating over \$5,000 or producing aggregate annual income over \$200. List the name of the institution followed by “Cash Account” (or “Cash Accounts,” if there is more than one account), e.g., Bank of America Cash Account or Federal Courts Savings and Loan Cash Accounts. Do not list account numbers or addresses for a financial institution or its branches. You need not indicate the precise type of cash equivalent account, e.g., “checking,” or “savings.” Information for all cash equivalent accounts at each institution may be aggregated.

*Money market accounts typically are interest-bearing accounts similar to a savings or checking account. Money market funds typically hold short-term securities and monetary instruments, which earn dividends and/or interest. In reports, clarify whether money market assets listed are accounts or funds, being sure to report any transactions over \$1,000 for any money market fund.*

- List both the specific fund and the fund family when listing a mutual fund (or pooled or common trust fund administered by an independent financial or brokerage institution). Example: American Funds: The Growth Fund of America Mutual Fund

*There is no requirement to list the individual assets held by a mutual fund*

- For brokerage accounts, 401Ks (or other type of retirement accounts), 529 accounts, variable annuity products, and/or variable life insurance policies:

List the names of the individual stocks, mutual funds, money market funds, bonds, and cash equivalent accounts held.

Include the name of the financial institution or brokerage account when it is part of the name of the asset (e.g., Capital One Money Market Account, Vanguard Cash Holding Account).

Account headers may be identified by adding an “(H)” to the description in Column A, e.g., Trust (H). When listing multiple accounts with the same description, number the description in Column A; e.g., IRA #1 (H). Do not include addresses, account numbers, or reference a family member (e.g., Brokerage Account ...3859). In headers, leave Columns B and C blank – those should only be completed for the underlying assets of those accounts. Additionally, include a dash (“-”) before the name of each underlying asset held within the account in Column A.

*Note: The addition of “(H)” will prevent the header entry from returning an error message when running a self-audit. The use of the dash will facilitate the Committee’s review of your report and simplify the import of the information into subsequent reports.*

- List notes or accounts receivable indicating the nature of the receivable and the name of the debtor(s). You are not required to report any personal liability owed to you, your spouse, or child by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1)
- Indicate the general geographic location, such as city or county, and state for each real estate interest. If more than one parcel of real estate is owned in the same geographic area, you may identify each parcel by number, i.e., Parcel #1, #2, #3, etc., rather than identifying each parcel by street address, lot, or block number

If you, your spouse, or any of your dependent children (1) receives income from the trust or estate, or (2) has a beneficial interest in principal or income from the trust or estate. A reporting person who is required to report any trust, etc., must report the separate assets of the trust or estate.

However, the reporting person need not report the separate assets of a trust:

(1) that was not created directly by the reporting person, his spouse, or any dependent child; and

(2) if the filer, his spouse, or any dependent child has no knowledge of the holdings or sources of income. Section 102(f)(2).

*Note: If a family member's name is in the title of the trust, you may report the trust with a number. Example; Trust #1 – income beneficiary*

- For an investment club, each asset in the investment club's portfolio is attributable to the entire membership. If an asset meets the reporting threshold, meaning that it has a value which exceeds \$1,000 or has earned more than \$200 in income, then it must be reported. However, a filer (filer's spouse and dependent child) need only report his proportionate share of these assets. Thus, a filer must list each of the investment club's holdings as separate line items, as if he held them directly, and report the income and value that reflect their percentage share of the holdings. The date and value of any purchase or sale of each asset must be disclosed in Column D. An example is listed below.

<b>VII. INVESTMENTS AND TRUSTS– income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investments Fuds.)</b>									
A. Description of Assets	B. Income		C. Gross value		D. Transactions during reporting period				
	(1) Amt.	(2) Type	(1) Value	(2) Value Method	(1) Type	(2) Date mm/dd/yy	(3) Value	(4) Gain	
1. ABC Investment Club (H)									
2. - Alphabet (formerly Google) preferred stock	A	Dividend	L	T	Buy (add'l)	04/02/21	J		
3. – LVMH Moet Hennessy Louis Vuitton SE stock	C	Dividend	P1	T					
4. – American Tower Corp stock	A	Dividend	J	T	Sold (part)	07/20/21	J	A	
5. – Stark Industries Bond	A	Interest			Matured	01/01/21	J		

- List ownership interest in an annuity product.

A fixed annuity listing requires the company name (or issuer) and a note that the annuity contract is fixed.

An indexed or variable annuity listing requires the company name (or issuer) and a note of the type of annuity product (indexed or variable) and a listing of each of the specific investments chosen from the options offered by the insurer, e.g., Nationwide Variable Annuity - The Best of America IV - Aggressive Growth Allocation.

- List the name and ownership interest in a trade, business, partnership, or other business enterprise (e.g., LLC or sole proprietorship), and provide a description of the nature of the trade or business.

The source, type, and the actual amount or value of gross income from such a partnership or business must be reported.

Assets actively used in the operation of a trade or business are active assets, which do not need to be individually listed.

Assets that are passively held in the trade or business and are not related to the nature of the trade or business are passive assets. A filer must list each individual passive asset that is:

- (1) Valued at more than \$1,000, or
- (2) Earning more than \$200 in income.

- List interests in cash value life insurance policies.

Term insurance pays a benefit if the insured person dies during the term of the policy and when the policy expires, no value remains. As the insured person does not have an ownership interest in the value of the policy, term insurance is not reportable in Part VII.

Cash value insurance is part insurance and part investment. A portion of the premium will be invested in a separate account controlled by either the insurer or policy holder in order to grow cash value. Whatever gains are earned can be used for: increased death benefits, borrowing against the policy, or paying monthly premiums to keep the policy in effect. An insured person has an ownership interest in the investment portion of the policy which must be listed in Part VII. The filer must list in Column A the name of the insurance company and the policy type (whole or variable). For variable insurance policies, the underlying investment options should be listed individually. For example, “AIG Secured Survivor GUL (Guaranteed Universal Life) II” or “Nationwide Marathon Performance; Fidelity VIP Overseas Portfolio.” See the example below:

<b>VII. INVESTMENTS AND TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investments Fuds.)</b>									
A. Description of Assets	B. Income		C. Gross value		D. Transactions during reporting period				
	(1) Amt.	(2) Type	(1) Value	(2) Value Method	(1) Type	(2) Date mm/dd/yy	(3) Value	(4) Gain	
1. Mass Mutual Variable Life Insurance (H)									
2. – Fidelity Blue Chip Growth Fund	A	Dividend	J	T					
3. – Fidelity MML Small Cap Equity Fund	A	Dividend	K	T					
4. – Vanguard S&P 500 Index Fund	A	Dividend			Redeemed	01/02/21	J		

- List all educational savings plans (529 accounts) for which you or your spouse's dependent child is the beneficiary, regardless of who opened or owns the plan. If the plan allows for the selection of assets or portfolio(s), list every asset or the name of the portfolio(s) (age or risk-based strategy). Examples are "529 U.Fund; Fidelity Blue Chip Growth Fund" or "Nevada Vanguard Agg Track 0-5 Agg Gr Portfolio" or Florida Prepaid Educational Savings Plan (Cash Equivalent) or Florida 529 Savings Plan Multi-Manager Blended Portfolio.
- When reporting an investment or retirement account controlled by a third party, please consider the following:

If the filer can select the assets that will be purchased or sold (beyond merely selecting a risk category, e.g., aggressive growth, moderate risk, low risk, or low), the plan is considered "self-directed," and every asset in excess of \$1,000 in value or that pays more than \$200 in income must be reported. Note: If the filer owns the assets contained within this investment vehicle, or if the filer otherwise has the power to choose the investment assets (even if he or she defers to the decisions of an investment manager), each individual asset and each transaction greater than \$1,000 must be listed.

If the filer does not own the underlying assets AND cannot control the selection of assets (or can only choose a general category of risk, e.g., low, medium, or high), the filer reports in Column A only the specific name of the plan and not the underlying assets. As described in later sections, the information required in Columns B, C, and D will relate to the fund as a whole, and not the individual assets held by that plan. Example: MetLife Growth and Income Fixed Annuity.

Assets held in tax-deferred retirement or pension plans maintained, controlled, and owned by a former employer, e.g., a former law firm, state and county governments, and other similar entities, are not considered self-directed by the individual. However, filers must disclose that their former employer(s) maintains, controls, and owns those plans (reported in Part II).

- For each royalty or other mineral interest (including oil and gas):
  - (a) Royalty interest in minerals - an interest in minerals in a particular parcel of real property (whether or not the filer owns the surface rights), and regardless of whether minerals are currently being produced, should be reported as a real property interest - the description in Part VII, Column A, should list "Mineral Interest" or "Royalty Interest" and list the city or county and state in which the property is located. For example: "Royalty Interest, Clay County, Kansas."
  - (b) Investor interest in mineral production enterprise - an investment in a mineral production enterprise for a percentage interest in the profits should be described in Part VII, Column A, by listing the name of the enterprise and the location of the business, but not the locations of wells. For example: "ABC Joint Venture - Oklahoma City, OK." The income description in Column B(2) may be "Royalty" (if the filer receives a fixed payment for each barrel, ton, or other unit of production) or "distribution" (if the filer receives a share of the profits).

(c) Working interest in minerals - a participation in the drilling enterprise in minerals owned by the filer (where the filer has elected to take a share of production profits rather than a royalty payment) should be listed in Part VII, Column A, as “working interest” with the name of the well or mine, and the city or county and state in which it is located. For example: “Working Interest - Clay #1, Sand County, MO.” The income description in Column B(2) should be “royalty.”

- For each business, list all passive assets individually. Passive assets are assets used for investment purposes rather than the operation of the business (active assets include desks and supplies, land and heavy equipment for farming, etc.).

<b>VII. INVESTMENTS AND TRUSTS— income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investments Fuds.)</b>									
A. Description of Assets	B. Income		C. Gross value		D. Transactions during reporting period				
	(1) Amt.	(2) Type	(1) Value	(2) Value Method	(1) Type	(2) Date mm/dd/yy	(3) Value	(4) Gain	
1. ABC LLC (H)									
2. – Apple common stock	A	Dividend	J	T	Buy (add'l)	01/02/21	J		
3. – Vanguard Strategic Small Cap Equity Fund	A	Dividend	K	T					
4. – BlackRock Allocation Target Shares Series C Portfolio	A	Dividend	J	T	Sold (part)	08/20/21	J	A	

*Note:*

*List each reportable asset in Column A in sufficient detail to clearly identify the property or holding*

*Include the city (or county) and state for a real estate interest*

*Name the financial institution where cash accounts are held*

*Name the debtor and describe the nature of the debt for a note or account receivable*

*Include the city or county and state and the name of the energy company or other payer of royalties, working interests, or rentals for a gas, oil, or mineral interest*

*Clearly identify stocks, bonds, mutual funds and the underlying assets of IRAs, brokerage accounts, and other retirement accounts and investment vehicles.*



*Do not list assets subject to a power of attorney, whether or not the power has been exercised. This does not relieve filers of the obligations to avoid conflicts of interest. Please see the Code of Conduct for United States Judges, Canon 3(C) for information on disqualification.*

## Column B: Income

In Column B of Part VII, the income from listed assets must be shown. The disclosure of the gross amount and the type of income – dividends, rent, interest, or income from discharge of indebtedness – is required. Sections 102(a)(1)(B).

Note that “reportable income” differs from “taxable income.” Per the statute, all interest, dividends, and other income generated by or attributable to an asset during the reporting period must be listed, regardless of whether that income is paid out to the filer (or their spouse or dependent child), taxable, tax deferred, or tax exempt.

Further, while dividend reinvestment is not reportable as a transaction, the amount of the reinvested dividends should be listed as income in Column B. Mutual fund holdings income should also include short-term and long-term capital gains along with dividends that are reinvested.

If no income is attributable to an asset during the reporting period, Column B(1) under Amount should be left blank and the word “None” should appear in Column B(2) under Type. If income is generated by an asset whether or not it is paid out, the appropriate code, reflecting the amount, should be used. The statutory value ranges and the coded amounts for income are listed on the reporting form as follows:

- A - \$1,000 or less
- B - \$1,001 to \$2,500
- C - \$2,501 to \$5,000
- D - \$5,001 to \$15,000
- E - \$15,001 to \$50,000
- F - \$50,001 to \$100,000
- G - \$100,001 to \$1,000,000
- H1 - \$1,000,001 to \$5,000,000
- H2 - More than \$5,000,000

Section 102(a)(1)(B).

The same ranges and codes are used to report capital gains associated with transactions in Column D of Part VII. However, capital gains associated with “distributions” should be treated and reported as dividends in Column B.

Regular, periodic payments of an annuity are treated as a return of the filer’s investment and are, therefore, not reported as income. A filer need not report in Column B income received by the investments underlying an annuity that pays a fixed amount, and the filer should enter “None” in Column B(2) for such annuities. However, if the amount payable is variable according to returns on investment, the filer should report in Column B the amount credited to his or her annuity contract.

Dividends or interest received in the investment component of a cash value life insurance policy (whole life, universal life, variable life, or variable universal life), whether used to reduce premiums paid or to increase the amount of coverage, should be reported in Column B.

*Notes:*

*Be sure to disclose in Column B the amount and type of GROSS income, keeping in mind that reportable income and taxable income can differ*

*If you indicate “None” in Column B(2), you should leave Column B(1) blank*

*For rental income, report gross rental income, not including mortgage payments, HOA fees, property taxes, and other such expenses.*

*Column B(1), the income amount code, and Column B(2), the type of income, should both be completed if you have income. If no income was received, Column B(1) should be left blank and the word “None” should appear in Column B(2).*

*Some filers question whether to report income from IRAs (Individual Retirement Accounts) or other retirement or pension plans or 529/college savings plans. All income should be reported, whether taxable, tax deferred, or tax exempt. For any mutual fund, IRA, pension fund, or other pooled investment plan, filers should report in Column B any dividend, interest, or capital gain income that is earned by the fund and credited to the filer’s account. If multiple types of income are earned, add all income together and report as “Dividend” income.*

*Certain retirement and investment funds do not credit income to the individual accounts but instead report a “unit value” to participants. If no income is reported as having been credited to the filer’s account, leave Column B(1) blank and enter “None” in Column B(2). Please note in Part VIII the lack of income information provided by the insurer/account holder/fiduciary. Filers should not disclose as income any increase or decrease in the value of their account resulting solely from the change in market value of assets, even though these values are commonly highlighted in reports to investors. The market value of assets is reflected in the entries in Column C.*

## Column C: Value

In Column C, the gross value of the asset at the end of the reporting period is reported. Section 102(a)(3). If an asset is entirely sold before the end of the reporting period, Column C should be left blank. The statutory value ranges and a value code for each range are listed on the bottom of the form. These same values are used for the value of reported assets in Column C and for the value of assets reported in the transaction part of Part VII, Column D. They are as follows:

J - \$15,000 or less	O - \$500,001 to \$1,000,000
K - \$15,001 to \$50,000	P1 - \$1,000,001 to \$ 5,000,000
L - \$50,001 to \$100,000	P2 - \$5,000,001 to \$25,000,000
M - \$100,001 to \$250,000	P3 - \$25,000,001 to \$50,000,000
N - \$250,001 to \$500,000	P4 - More than \$50,000,000

Section 102(d)(1).

In addition, the method used for valuation should be reported in Column C. These are coded as follows:

Q – Appraisal. Indicate in Part VII-A or Part VIII the date of the appraisal.

R – Cost. This method may be used only for real property or an interest in a real estate partnership. If used, show in Part VII, Column A or Part VIII the date of purchase and the amount, not just the category code, of the purchase price.

S – Assessment. Assessed value for tax purposes. If this method is used in Part VII, Column A or Part VIII, show the amount, not just the category code, of the assessed value and, if the property is assessed at less than 100% of its value, adjust the assessed value to reflect the current value and explain your adjustment.

T – Cash/Market. The quoted market price of publicly traded stocks and other securities; the face value of interest bearing corporate or municipal bonds or comparable securities; the balance or surrender value of certificates of deposit, savings and checking accounts, money market accounts or funds, etc.

U – Book. The net worth of a proprietorship, partnership interest, or corporate stock according to the books of such entity. This method may be used only for property interests not publicly traded.

V – Other. Any other recognized indication of value, such as current selling price of a comparable interest. (If this code is used, you must describe in Part VII, Column A, or Part VIII the method used).

W – Estimated. Your good faith estimate of the value of property if its exact value is not known and a more accurate determination of its value cannot be easily obtained by another method.

The gross value of the property should be indicated without reductions for mortgages, etc. References may be made in Part VII to mortgages included in Part VI (Liabilities).

The value of the investment component of a cash value life insurance policy should be reported in Column C. Do not report the “face value” or value of the death benefit under the policy.

*Note:*

*List in Column C(1) the gross value code (J-P) at the end of the reporting period*

*List in Column C(2) the correct value method code (Q-W) reflecting how the value of the asset was determined*

*If you used value method codes “Q,” “R,” “S,” or “V,” be sure to include the appropriate information in Column A or Part VIII.*

*If an asset is entirely sold during the reporting period, then Column C should be left blank. However, if an asset is partially sold (such as a portion of the total shares of stock owned), Column C should be completed*

## Column D: Transactions

Information on transactions should be entered in Column D. Transactions to be reported involve any single purchase, sale or exchange during the reporting period that exceeds \$1,000. Section 102(a)(5).

For each acquisition or disposition, you should disclose:

- (a) the type of transaction, e.g., buy, sell, redeem, etc.;
- (b) the date of the transaction;
- (c) the value category code indicating the value of the consideration paid or received (codes J-P);
- (d) the capital gain realized on disposition (if any), using the appropriate income category code (codes A-H);
- (e) the closure of a cash account that may have been reported on a prior report.

If an asset has been bought and sold during the same reporting period, provide the required information about both transactions on successive lines, leaving Columns A through C blank on the successive lines. Additional lines may be added by right clicking and following the menu prompts.

In most corporate mergers and reorganizations, shareholders play a passive role and realize no taxable capital gains. Accordingly, where a non-taxable corporate reorganization results in the listing of a new asset or the omission of an asset disclosed on the previous report with no purchase or sale by the filer, the change of name should be explained with a note in Column A or in Part VIII, as appropriate. For example, if the filer listed the “ABC Company” on a previous report and it has since been merged into the “XYZ Company,” the filer should list “XYZ Co. (formerly ABC Co.)” in Column A. Only if the filer is required to report a capital gain for income tax purposes would a merger be treated as a transaction. Also, if the filer sells the shares of the new corporation after the merger, that transaction must be reported.

Required minimum distributions required by the IRS on retirement funds typically involve the liquidation or selling of asset(s) held within the retirement account. As such, any transactions greater than \$1,000 must be reported.

Income received pursuant to an annuity contract owned by the filer (or filer’s spouse) need not be reported as a transaction in Column D. Similarly, the withdrawal of a portion of the investment component of a life insurance policy need not be reported as a transaction in Column D, but a cancellation or withdrawal of the entire balance so as to end the policy should be reported as “closed.”

Income category codes, codes A - H, for reporting capital gains are listed under INCOME. They are also listed at the bottom of the report in Part VII and are displayed through drop down menus within the software. If there is a loss, or no gain or loss, Column D4 under GAIN should be left blank.

Value category codes, codes J - P are listed under VALUE. They are also listed at the bottom of the report in Part VII and in drop down menus within the software.

**VII. INVESTMENTS AND TRUSTS— income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investments Fuds.)**

A. Description of Assets	B. Income		C. Gross value		D. Transactions during reporting period				
	(1) Amt.	(2) Type	(1) Value	(2) Value Method	(1) Type	(2) Date mm/dd/yy	(3) Value	(4) Gain	
1. Microsoft stock		None			Buy	01/18/21	J		
2.					Sold	11/01/21	K	B	
3. Apple stock	A	Dividend	J	T	Sold (part)	03/11/21	J	A	

**In Part VII (D)(1)-(4), you are not required to report the following:**

- transactions solely between yourself, your spouse, and your dependent children; Section 102(a)(5);
- transactions in which the then fair market value of consideration paid or received did not exceed \$1,000; Section 102(a)(5);
- transactions involving property used solely as the personal residence of you or your spouse; Section 102(a)(5)(A);
- transactions involving a mere change of form of assets, e.g., a stock split;
- transactions involving deposits or withdrawals from bank accounts, money market accounts, and certificates of deposit within any given financial institution, other than the opening or closing of all accounts at such institution;
- transactions involving the reinvestment of dividends, interest, and capital gain distributions - this is income to be reported in Column B;
- cash inheritances received by the filer or the filer’s spouse or dependent children; or
- gifts made to a charity or to a non-dependent relative by the filer or the filer’s spouse or dependent children.

If these exceptions would result in an asset being added to or removed from the list of assets in Part VII:

- for the opening or closing of a bank account with a transaction involving less than \$1,000, insert “Open” or “Closed” in Column D(1) and leave Columns D(2) through D(4) blank;
- for an asset acquired through an exempt transaction (such as an inheritance or exempt gift), or for an asset that became reportable by virtue of the filer’s marriage, because its value or

income increased to a level above the reporting threshold, or upon any event that does not otherwise constitute a reportable transaction, insert “(X)” after the asset description in Column A;

- (c) for an asset disposed of through a charitable donation, insert “donated” in Column D(1) and leave Columns D(2) through D(4) blank;
- (d) except as noted above, for a previously reported asset that becomes unreportable without a corresponding reportable transaction (i.e., when an asset’s value and income fall below reporting thresholds, or upon emancipation of a dependent child, dissolution of marriage, reversion of rental property to personal residence), insert “(Y)” after the asset description in Column A and leave Columns B - D blank, or include an explanatory note in Part VIII. In subsequent years, this asset should be deleted from Part VII.

Please ensure that the entries in Columns C and D are consistent:

- If property is entirely disposed of during the reporting year, Column C should be left blank;
- If property is partially disposed of during the reporting year, Column C should be completed and Column D(1) should include “part” (e.g., “Sold (part)” or “Redeemed (part)”).

*Notes:*

*EACH transaction over \$1,000 must be listed separately – this includes transactions for money market funds, but not money market accounts.*

*When reporting multiple transactions for an asset: identify the asset in Column A, list the cumulative income and value attributable to this asset on the same line in Columns B and C, respectively, and list the earliest transaction on the same line in Column D. Additional transactions should be reflected on immediately successive lines, leaving Columns A, B, and C blank, but separately detailing each transaction in chronological order in Column D.*

*List in Column D(3) the value code (J - P) indicating the value of the consideration paid or received for the asset.*

*Be sure to list in Column D(4) capital gain (income codes A - H) realized on the disposition of the asset, or leave this column blank if there was no gain or a loss.*

*If reporting the first purchase of an asset that was not listed on your prior report you should list the transaction as “Buy.” If you are reporting a subsequent purchase of an asset you already own and report you should list the transaction as “Buy (add'l).”*

*If an asset is partially disposed of or sold, be sure to indicate “Sold (part)” in Column D(1).*

*If an asset was completely disposed of or sold, leave Column C blank and complete Columns D(1)-(4) as appropriate.*



## **Part VIII. Explanatory Comments**

Use this part to add information clarifying other portions of the report. Of particular importance is any information (such as a reference to opinions of the Committee on Codes of Conduct and actions of the Judicial Conference) that bears on possible conflicts of interest or issues under the Code of Conduct for United States Judges. Also use this part to explain any apparent inconsistencies between the current report and past reports. Examples may include:

- previously reported assets subject to a power of attorney or certain trusts should be omitted from the current report, with a note in Part VIII
- explanations for asset name changes
- information no longer required.

The FDR software can create additional pages if more space is needed.

### **VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

Although I am a trustee of Trust #2, there are no reportable assets in the trust.

Although I am a trustee of Trust #4, I receive no income nor do I have beneficial interest in the principal or income from the trust or estate. Therefore, there are no reportable assets in the Trust.

The IRA account formerly listed on lines 20-54 of my prior report have been removed, as it no longer meets the requirements for reporting.

## **IX. Certification and Signature**

The certifications provided on the form cover (1) that the report is accurate, true, and complete as to all information required by the Act to be reported; and (2) that earned income from outside employment and honoraria and the acceptance of gifts that have been reported are in compliance with the provisions of applicable laws and regulations.

All reports, amended reports, and responses to letters of inquiry must include an original signature. An electronically filed document is deemed to include an original signature when it includes “s/ typed name” on the signature line and is submitted through the FiDO system under the filer's log-in and password.

Promptly upon discovery that an error has been made in a report, amend the report.

## **COMPLIANCE AND SANCTIONS**

Compliance with filing and reporting requirements is monitored pursuant to 5 U.S.C. app. § 106.

One who knowingly and willfully falsifies or fails to file or report any information required under the Act is subject to civil and criminal sanctions. Section 104(a).

## **ETHICAL STANDARDS**

The disclosure requirements and exemptions from disclosure contained in the Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges, Code of Conduct for Judicial Employees, and other rules of the Judicial Conference of the United States, or the statutory provisions for disqualification or recusal.

For example, disclosure of financial interests under the Act is required only for interests exceeding a stated minimum value and only with respect to certain members of a person's family, whereas 28 U.S.C. § 455(b)(4) applies to financial interests without regard to value, and 28 U.S.C. § 455(b)(5) applies to participation in litigation by a person within the third degree of relationship to the judge. Similarly, the Act exempts from disclosure matters relating to campaign receipts and campaign disbursements, most of which would be prohibited under the Code of Conduct for United States Judges, which also precludes qualified blind trusts for judges.

## **PUBLIC ACCESS**

Financial Disclosure Reports are public documents. Reports are made available to the public in accordance with the Regulations of the Judicial Conference on Access to Financial Disclosure Reports, set forth in the *Guide to Judiciary Policy*, Vol. 2, Part D, Ch. 5. However, the Ethics in Government Act of 1978 (the Act), as amended, does not require the immediate and unconditional availability of reports filed if a finding is made by the Committee on Financial Disclosure, in consultation with the United States Marshals Service when necessary, that revealing personal and sensitive information contained on the report could endanger filers or family members.

To request redaction, filers should use the "Request for Redaction" option in the File/View memo of the Financial Disclosure Online system (FiDO). Redaction requests should specify the material sought to be redacted and state in detail the reasons justifying redaction. Each request for redaction will be reviewed by the Committee in accordance with Section 105 of the Act and the regulations of the Judicial Conference. Filers will receive the Committee's decision via email notice, with a link to their FiDO account. If the redaction request is granted, the redaction will be made by the Committee staff prior to the release of the report. Please note that subsequent reports must include the previously redacted information; only Committee staff, following the direction of the Committee, may remove statutorily required entries from financial disclosure reports.

The grant of redaction will be valid for the remainder of that calendar year; it will expire on December 31. If filers wish to seek redaction of subsequent reports, their redaction requests and justification should be renewed. Filers may request redaction at any time, including at the beginning of

the calendar year, when their next report is filed, when notice is received that a member of the public has requested their report, or when circumstances have changed prompting the need for redaction.

If there are any concerns or questions about the release of a report, call the staff of the Committee at (202) 502-1850 or discuss the matter with local United States Marshals.

Concerning public requests for reports, a report will be made available only to a person who completes Form AO-10A, Request for Examination of Report Filed by a Judicial Officer or Employee. The form requires the requester to attest to the following:

It shall be unlawful for any person to obtain or use a report

- (1) for any unlawful purpose;
- (2) for any commercial purpose other than by news and communications media for dissemination to the general public;
- (3) for determining or establishing the credit rating of any person; or
- (4) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose. Section 105(c)(1).

The Attorney General may bring a civil action against any person who obtains or uses a report for any prohibited purpose described above. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$11,000. Such remedy shall be in addition to any other remedy available under statutory or common law. Section 105(c)(2).

## **APPENDIX I**

### **NOMINATION REPORTS AND INITIAL REPORTS**

#### **WHO MUST FILE AND WHEN**

Persons nominated to be JUDICIAL OFFICERS must file a nomination report within 5 days of the transmittal of their nomination by the President to the Senate. Section 101(b)(1).

Newly-appointed JUDICIAL EMPLOYEES must file an initial report within 30 days of assuming their positions. Section 101(a).

Judicial employees who receive a promotion or change in the rate of pay that results in pay equal to or greater than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule must file an initial report within 30 days of the promotion or pay adjustment.

A JUDICIAL EMPLOYEE who is not expected to perform the duties of the office or position for more than 60 days in a calendar year is not required to file an annual report. However, if the person actually performs duties for more than 60 days, an initial report must be filed within 15 days of the sixtieth day. Section 101(h).

#### **INSTRUCTIONS FOR COMPLETING EACH PART**

Below are specific instructions that differ from those provided for annual reports.

##### **Identifying Information**

**BLOCK 3. Date of Report.** For a JUDICIAL EMPLOYEE, a date that is no more than 30 days after your entry in the position, or 30 days after notification of your obligation to file a financial disclosure report. For a person nominated to be a JUDICIAL OFFICER, the date should be no more than 5 days after submission of your nomination to the Senate.

**BLOCK 5. Report Type.** Check the appropriate report form and, in the case of a nomination report, show the date your nomination was transmitted to the Senate.

**BLOCK 6. Reporting Period.** The beginning date (January 1 of the year preceding the year you assumed your office or were nominated) and the ending date (a date you choose that precedes the "Date of Report" by no more than 30 days).

##### **Part I. Positions**

The reporting period is the two calendar years preceding the date of the report through the filing date in the current calendar year. Section 102(a)(6)(A).

### **Part III. Non-investment Income**

The reporting period is the calendar year preceding the date of the report and the year of filing. Section 102(b)(1)(A).

In addition, you must report the identity of each source of compensation, other than from the United States Government, received by the filer but not the spouse in excess of \$5,000 in any of the two calendar years prior to the calendar year during which you file your first report, as well as a brief description of the nature of the duties performed or services rendered for each source. Section 102(a)(6)(B).

You are not required to report any information which is considered confidential as a result of a privileged relationship, established by law, between the reporting person and any person, nor are you required to report any information with respect to any person for whom services were provided by any firm or association of which the reporting person was a member, partner, or employee, unless the reporting person was directly involved in the provision of such services. Section 102(a)(6)(B).

### **Parts IV. and V. Reimbursements and Gifts**

**You are not required to complete these parts of the report. Section 102(b)(1).** Note “exempt” in these two spaces.

### **Part VI. Liabilities**

The reporting period is the calendar year preceding the date of the report through a date which is no more than 30 days before the filing date. Section 102(b)(1)(B).

### **Part VII. Investments and Trusts**

The reporting period for providing income information for assets is the calendar year preceding the date of the report and the year of filing. Section 102(b)(1)(A). The reporting period for providing value information for assets is the calendar year preceding the date of the report through a date which is no more than 30 days before the filing date. Section 102(b)(1)(B). **You are not required to complete Subpart D “Transactions.”** Section 102(b)(1). Note “exempt” in Column D(1).

## APPENDIX II

### FINAL REPORTS

#### WHO MUST FILE AND WHEN

A JUDICIAL OFFICER who works more than 60 days in a calendar year is required to file a final report within thirty days after resigning under 28 U.S.C. § 371(a) or otherwise ceasing to continue in such position. A JUDICIAL OFFICER who retires under 28 U.S.C. § 371(b) is not required at that time to file a final report, but continues to be obligated to file an annual report for any year in which the relevant Judicial Council authorizes the employment by the judge of at least one law clerk or judicial assistant, unless the judge certifies that he did not perform the duties of his office for more than 60 days. If that judicial officer is no longer authorized the employment of at least one law clerk or judicial assistant by the relevant circuit judicial council, and he or she:

- (1) does not reasonably expect to perform the duties of the office for more than 60 days in any calendar year in the future, he or she may so certify, and then be authorized to file a final report; or
- (2) certified, in lieu of filing annual financial disclosure reports (pursuant to § 210.60.10(b)), that he or she has not performed the duties of his or her office for more than 60 days in a preceding calendar year, and determines that he or she does not reasonably expect to perform the duties of the office for more than 60 days in any calendar year in the future, he or she may be authorized to file a final certification in lieu of filing a final report.

A JUDICIAL EMPLOYEE who works more than 60 days in a calendar year is required to file a final report within thirty days of termination of employment. Section 101(e).

A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE accepting another position in the federal government that is subject to financial disclosure reporting is not required to file a final report when changing positions. Section 101(e).

#### INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual reports.

#### Identifying Information

**BLOCK 3. Date of Report.** The date the report is completed, not more than 15 days prior to and not more than 30 days after the date of official termination of employment. If the report is completed prior to the termination of employment, and there are any changes between the date the report is completed and the termination date, the report must be updated. The filer should acknowledge this obligation to update the report in an explanation on the financial disclosure form.

**BLOCK 5. Report Type.** Check final report.

**BLOCK 6. Reporting Period.** Show both the beginning and ending date of the reporting period. The beginning date will be January 1 of the current year if an annual report already has been filed covering the preceding calendar year; otherwise, it will be January 1 of the preceding calendar year. The ending date is the date of the official termination of employment.

**Parts I - VII**

The reporting period is the calendar year preceding the date of the report through the filing date in the current calendar year. Section 102(c). If an annual report already was filed covering the preceding calendar year, then the reporting period is the current calendar year through the filing date.

## **APPENDIX III**

### **ADDITIONAL REFERENCES**

The Code of Conduct for United States Judges appears in the *Guide to Judiciary Policy*, Vol. 2, Part A, Ch. 2. The Code of Conduct for Judicial Employees appears in the *Guide to Judiciary Policy*, Vol. 2, Part A, Ch. 3. The Code of Conduct for Federal Public Defender Employees appears in the *Guide to Judiciary Policy*, Vol. 2, Part A, Ch. 4. The Code of Conduct for Administrative Office Employees appears in the AO Manual, Vol. 4, Ch. 2.

Judicial Conference Regulations On Gifts are set forth in the *Guide to Judiciary Policy*, Vol. 2, Part C, Ch. 6. Judicial Conference Regulations On Outside Earned Income, Honoraria, and Outside Employment are set forth in the *Guide to Judiciary Policy*, Vol. 2, Part C, Ch. 10.

Judicial Conference Report Redaction and Release Regulations are set forth in the *Guide to Judiciary Policy*, Vol. 2, Part D, Ch. 5.



# Key Document I

# FINANCIAL DISCLOSURE REPORT

Report Required by the Ethics  
Reform Act of 1989, Pub. L. No.  
101-194, November 30, 1989  
(5 U.S.C.A. App. 6, §§101-112)

1. Person Reporting (Last name, first, middle initial)	2. Court or Organization	3. Date of Report
4. Title (Article III judges indicate active or senior status; Magistrate judges indicate full- or part-time)	5. Report Type (check appropriate type) _____ Nomination, Date _____ _____ Initial      _____ Annual      _____ Final	6. Reporting Period
7. Chambers or Office Address		
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.</i>		

## I. POSITIONS. (Reporting individual only; see pp. 7-8 of Instructions.)

POSITION

NAME OF ORGANIZATION/ENTITY

☐

NONE (No reportable positions)

## II. AGREEMENTS. (Reporting individual only; see pp. 8-9 of Instructions.)

DATE

PARTIES AND TERMS

☐

NONE (No reportable agreements)

## III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 9-12 of Instructions.)

DATE  
(Honoraria only)

SOURCE AND TYPE

GROSS INCOME  
(yours, not spouse's)

☐

NONE (No reportable non-investment income)

1

2

3

5

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**REIMBURSEMENTS and GIFTS—transportation, lodging, food, entertainment.**

(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp. 12-14 of Instructions.)

SOURCEDESCRIPTION☐**NONE** (No such reportable reimbursements or gifts)

1

2

3

4

5

6

7

**V. OTHER GIFTS.** (Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate other gifts received by spouse and dependent children, respectively. See pp.15-16 of Instructions.)SOURCEDESCRIPTIONVALUE☐**NONE** (No such reportable gifts)

1

2

3

4

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_**VI. LIABILITIES.** (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp.16-17 of Instructions.)CREDITORDESCRIPTIONVALUE CODE\*☐**NONE** (No reportable liabilities)

1

2

3

4

6

## FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting

Date of Report

**II. INVESTMENTS and TRUSTS—income, value, transactions. (Includes those of spouse and dependent children; see pp. 18-26 of Instructions.)**

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code <sup>1</sup> (A-H)	Type (e.g., div., rent or int.)	Value Code <sup>2</sup> (J-P)	Value Method Code <sup>3</sup> (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date: Month- Day	(3) Value Code <sup>2</sup> (J-P)	(4) Gain Code <sup>1</sup> (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									

1 Income/Gain Codes:  
(See Col. B1 & D4)A = \$1,000 or less  
E = \$15,001 to \$50,000B = \$1,001 to \$2,500  
F = \$50,001 to \$100,000C = \$2,501 to \$5,000  
G = \$100,001 to \$1,000,000D = \$5,001 to \$15,000  
H = More than \$1,000,0002 Value Codes:  
(See Col. C1 & D3)J = \$15,000 or less  
N = \$250,001 to \$500,000K = \$15,001 to \$50,000  
O = \$500,001 to \$1,000,000L = \$50,001 to \$100,000  
P = More than \$1,000,000

M = \$100,001 to \$250,000

3 Value Method Codes:  
(See Col. C2)Q = Appraisal  
U = Book ValueR = Cost (real estate only)  
V = OtherS = Assessment  
W = Estimated

T = Cash/Market

Judicial Ethics Committee  
Administrative Office of the  
United States Courts  
Washington, DC 20544

# Key Document J

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2010**

*Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial)	2. Court or Organization	3. Date of Report
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	5a. Report Type (check appropriate type)  <input type="checkbox"/> Nomination,                      Date <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final	6. Reporting Period  to
	5b. <input type="checkbox"/> Amended Report	
7. Chambers or Office Address	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.  Reviewing Officer _____ Date _____	
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.</i>		

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

POSITION

NAME OF ORGANIZATION/ENTITY

1.	_____
2.	_____
3.	_____
4.	_____
5.	_____

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☐ NONE *(No reportable agreements.)*

DATE

PARTIES AND TERMS

1.	_____
2.	_____
3.	_____

Name of Person Reporting	Date of Report
--------------------------	----------------

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of filing instructions.)

A. Filer's Non-Investment Income

☐ NONE (No reportable non-investment income.)

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)

☐ NONE (No reportable non-investment income.)

DATE	SOURCE AND TYPE
1.	
2.	
3.	
4.	

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE (No reportable reimbursements.)

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.				
2.				
3.				
4.				
5.				



Name of Person Reporting	Date of Report
--------------------------	----------------

V. GIFTS. (Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)

☐ NONE (No reportable gifts.)

SOURCE	DESCRIPTION	VALUE
1.		
2.		
3.		
4.		
5.		

VI. LIABILITIES. (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)

☐ NONE (No reportable liabilities.)

CREDITOR	DESCRIPTION	VALUE CODE
1.		
2.		
3.		
4.		
5.		

VII. INVESTMENTS and TRUSTS -- income, value, transactions. (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐

 NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A =\$1,000 or less F =\$50,001 - \$100,000	B =\$1,001 - \$2,500 G =\$100,001 - \$1,000,000	C =\$2,501 - \$5,000 H1 =\$1,000,001 - \$5,000,000	D =\$5,001 - \$15,000 H2 =More than \$5,000,000	E =\$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J =\$15,000 or less N =\$250,001 - \$500,000 P3 =\$25,000,001 - \$50,000,000	K =\$15,001 - \$50,000 O =\$500,001 - \$1,000,000	L =\$50,001 - \$100,000 P1 =\$1,000,001 - \$5,000,000 P4 =More than \$50,000,000	M =\$100,001 - \$250,000 P2 =\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

**FINANCIAL DISCLOSURE REPORT**

Page 5 of 6

Name of Person Reporting	Date of Report
--------------------------	----------------

**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

# FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Date of Report

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: \_\_\_\_\_

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Appendix C

# Key Document A

RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 8, 2023

Harlan Crow  
Chairman of the Board  
Crow Holdings Securities, LLC  
3819 Maple Ave.  
Dallas, TX 75219

Dear Mr. Crow:

Recent investigative reporting has identified multiple instances in which you or entities you own or control have made payments, purchased real estate, or provided gifts, travel, or other items of value to Supreme Court Justice Clarence Thomas and members of his family. Many of these gifts, transactions, and items of value had not been previously disclosed by Justice Thomas, in apparent contravention of the Supreme Court's April 25, 2023 "Statement on Ethics Principles and Practices" which claimed that Justices since 1991 "have followed" the financial disclosure requirements provided in the Judicial Conference Regulations, and other applicable obligations. You have issued several public statements acknowledging these items of value that you have given to Justice Thomas and his family members.

As part of the Senate Judiciary Committee's ongoing efforts to craft legislation strengthening the ethical rules and standards that apply to the Justices of the Supreme Court, we request that you provide the Committee with certain information by May 22, 2023. This information will help identify specific shortcomings in the "Statement on Ethics Principles and Practices," as well as current law, that legislation needs to address. Please provide the following information:

1. An itemized list of all gifts, payments, and items of value exceeding \$415 given by you, or by entities you own or control or for which you have served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the approximate dollar amount of each item, and the date it was extended.
2. An itemized list of all real estate transactions in which you, or any entity you own or control or for which you have served as a partner, director, or officer, conducted with a Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date of the transaction, the valuations of the properties, the dollar amount conveyed in the transaction, any occupancy agreements reached regarding the real estate, and the dollar value of any improvements made or taxes paid on the properties during the course of any occupancy agreement.

3. An itemized list of all transportation or lodging provided by you, or any entity you own or control or for which you have served as a partner, director, or officer, to a Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date the transportation was provided, the mode of transportation provided, the itinerary traveled, any lodging provided, and the approximate dollar value of the transportation or lodging.
4. An itemized list of the occasions on which any property or facility owned by any entity you own or control or for which you have served as a partner, director, or officer, provided lodging to a Justice of the Supreme Court or a member of the Justice's family, including the name of the relevant Justice, the location of the lodging, the date the lodging was provided, and the approximate dollar value of the lodging.
5. An itemized list of all occasions when entrance to any private, members-only club was provided by you, or entities you own or control or for which you have served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the dates of those visits, and the full names of any other guests who were also provided entrance by you, or entities you own or control or for which you have served as a partner, director, or officer.

Thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin  
Chair



Dianne Feinstein  
United States Senator



Sheldon Whitehouse  
United States Senator

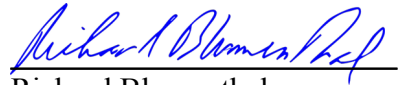


Amy Klobuchar  
United States Senator





Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator



Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Jon Ossoff  
United States Senator



Peter Welch  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member

# Key Document B

May 8, 2023

Rod Ward, CEO  
Corporation Service Company  
Registered Agent  
Topridge Holdings, LLC  
251 Little Falls Dr.  
Wilmington, DE 19808

Susan K. Jackman  
Director  
Topridge Holdings, LLC New York Branch  
80 State St.  
Albany, NY 12207

Dear Mr. Ward and Ms. Jackman:

It has been publicly reported that Supreme Court Justice Clarence Thomas accepted the gift of free lodging on numerous occasions over the last two decades at Topridge Camp, owned by Topridge Holdings, LLC.<sup>1</sup> We write to request information regarding the other guests who stayed at Topridge Camp during the dates when Justice Thomas accepted lodging at Topridge Camp.

According to recent reports, individuals who may have had business interests or other interests before the Supreme Court have been able to gain personal and private access to Justices during occasions where Justices have accepted gifts of lodging and travel.<sup>2</sup> These occasions include Justice Thomas's stays at Topridge Camp.<sup>3</sup> Regardless of the intentions behind these stays, if these gifts to Justice Thomas enabled those with interests before the Court to have private access to a Justice, it is a matter of significant public concern. Furthermore, Justice Thomas's repeated failure to disclose such gifts allowed those with interests before the Court access without public scrutiny.

The appearance of special access to the Justices—that is not available to all Americans—is corrosive to the legitimacy of the Court because, at minimum, it creates an appearance of undue influence that undermines the public's trust in the Court's impartiality. These revelations come at a time when public confidence in the Court is already at an all-time low, with only 37 percent of Americans reporting confidence in the Court.<sup>4</sup>

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<sup>1</sup> See, e.g., Joshua Kaplan, Justin Elliott, & Alex Mierjeski, [Clarence Thomas and the Billionaire](#), PROPUBLICA (Apr. 6, 2023)

<sup>2</sup> *Id.*

<sup>3</sup> Lodging provided by a corporate entity, rather than an individual, is explicitly ineligible for the “personal hospitality” exception under the Ethics in Government Act (EIGA). See 16 U.S.C. § 13101(14) (defining “personal hospitality” as “hospitality extended for a nonbusiness purpose by an individual, **not a corporation or organization**, at the personal residence of that individual or the individual’s family or on property owned by that individual or the individual’s family”) (emphasis added).

<sup>4</sup> See Marist, *Poll National Adults, Interviews conducted April 17<sup>th</sup> through April 19<sup>th</sup>* (Apr. 24, 2023), available at <https://maristpoll.marist.edu/polls/medication-abortion-and-the-u-s-supreme-court/>.

Maintaining faith in the impartiality of the federal judiciary is a necessary prerequisite for preserving the rule of law. In the absence of action by the Supreme Court to address shortcomings in its ethical standards and practices, Congress must act to restore faith in the Court by passing legislation that addresses those shortcomings. The Senate Judiciary Committee has jurisdiction over such legislation, and the information requested by this letter will help clarify the full scope of ethical concerns that the legislation must address. For these reasons, please provide the following information as soon as possible, but no later than May 22, 2023:

1. Please identify all of the dates when Justice Thomas, or any other Justice of the Supreme Court, has been a guest at Topridge Camp.
2. For every time period responsive to Question 1, please identify the full name of each guest at Topridge Camp whose stay overlapped with a Justice. For guests who were under the age of 18 at the time of their stay, their names may be redacted.
3. For each guest identified in response to Question 2, please identify whether the guest paid for the guest's stay at Topridge Camp or if the stay was provided to the guest as a gift from Topridge Holdings, LLC.

Thank you for your attention to this important matter. We look forward to your prompt reply.

Sincerely,



Richard J. Durbin  
Chair



Dianne Feinstein  
United States Senator



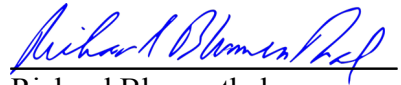
Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator



Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator



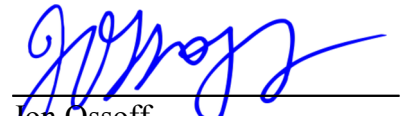
Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Jon Ossoff  
United States Senator



Peter Welch  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member

# Key Document C

May 8, 2023

Michael Levy, President  
CH Asset Company  
Registered Agent  
HRZNAR LLC  
3819 Maple Avenue  
Dallas, TX 75219

Dear Mr. Levy:

We write to request information regarding the other passengers who traveled with Supreme Court Justice Clarence Thomas on trips HRZNAR LLC provided on its private jet over the past two decades.

According to recent reports, individuals who may have had business interests or other interests before the Supreme Court have been able to gain personal and private access to Justices during occasions where Justices have accepted gifts of transportation or travel.<sup>1</sup> These revelations include the transportation that HRZNAR LLC gifted<sup>2</sup> Justice Thomas on its private jet. Regardless of the intentions behind this travel, if these gifts enabled those with interests before the Court to have private access to a Justice, it is a matter of significant public concern. Furthermore, Justice Thomas's repeated failure to disclose such gifts allowed those with interests before the Court access without public scrutiny.

The appearance of special access to the Justices—that is not available to all Americans—is corrosive to the legitimacy of the Court because, at minimum, it creates an appearance of undue influence that undermines the public's trust in the Court's impartiality. These revelations come at a time when public confidence in the Court is already at an all-time low, with only 37 percent of Americans reporting confidence in the Court.<sup>3</sup>

---

<sup>1</sup> See, e.g., Joshua Kaplan, Justin Elliott, & Alex Mierjeski, [Clarence Thomas and the Billionaire](#), PROPUBLICA (Apr. 6, 2023).

<sup>2</sup> Because this private jet is owned by HRZNAR LLC, a corporate entity, it is explicitly ineligible for the “personal hospitality” exception under the Ethics in Government Act (EIGA). See 16 U.S.C. § 13101(14) (defining “personal hospitality” as “hospitality extended for a nonbusiness purpose by an individual, **not a corporation or organization**, at the personal residence of that individual or the individual's family or on property owned by that individual or the individual's family”) (emphasis added).

<sup>3</sup> See Marist, *Poll National Adults, Interviews conducted April 17<sup>th</sup> through April 19<sup>th</sup>* (Apr. 24, 2023), available at <https://maristpoll.marist.edu/polls/medication-abortion-and-the-u-s-supreme-court/>.

Maintaining faith in the impartiality of the federal judiciary is a necessary prerequisite for preserving the rule of law. In the absence of action by the Supreme Court to address shortcomings in its ethical standards and practices, Congress must act to restore faith in the Court by passing legislation that addresses those shortcomings. The Senate Judiciary Committee has jurisdiction over such legislation, and the information requested by this letter will help clarify the full scope of ethical concerns that the legislation must address. For these reasons, please provide the following information as soon as possible, but no later than May 22, 2023:

1. Please identify the full itinerary for all travel Justice Thomas, or any other Justice of the Supreme Court, took on a private jet owned by HRZNAR LLC, including the points of origins and the final destinations if the Justice did not travel on the initial or final segment of the itinerary.
2. For each itinerary responsive to Question 1, please identify the full name of every passenger who also traveled on the private jet with a Justice. For passengers who were under the age of 18 at the time of their travel, their names may be redacted.
3. For each passenger identified in response to Question 2, please identify whether the passenger paid for travel on the private jet or if the travel was provided to the passenger as a gift from HRZNAR LLC.

Thank you for your attention to this important matter. We look forward to your prompt reply.

Sincerely,



Richard J. Durbin  
Chair



Dianne Feinstein  
United States Senator



Sheldon Whitehouse  
United States Senator

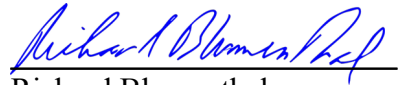


Amy Klobuchar  
United States Senator





Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator



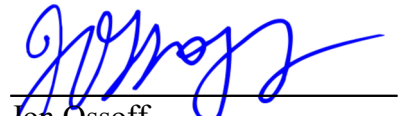
Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Jon Ossoff  
United States Senator



Peter Welch  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member

# Key Document D

May 8, 2023

Lisa Johnston, Operations Director  
Carey Commercial Ltd.  
Registered Agent  
Rochelle Marine Ltd.  
1<sup>st</sup> & 2<sup>nd</sup> Floors, Elizabeth House  
Les Ruettes Brayes, St. Peter Port, Guernsey  
Channel Islands GY1 1EW

Dear Ms. Johnston:

We write to request information regarding the other passengers who traveled with Supreme Court Justice Clarence Thomas on trips Rochelle Marine Ltd. provided on its private yacht, the *Michaela Rose*, over the past two decades.

According to recent reports, individuals who may have had business interests or other interests before the Supreme Court have been able to gain personal and private access to Justices during occasions where Justices have accepted gifts of transportation or travel.<sup>1</sup> These revelations include the transportation Rochelle Marine Ltd. gifted<sup>2</sup> Justice Thomas on the *Michaela Rose*. Regardless of the intentions behind this travel, if these gifts enabled those with interests before the Court to have private access to a Justice, it is a matter of significant public concern. Furthermore, Justice Thomas's repeated failure to disclose such gifts allowed those with interests before the Court access without public scrutiny.

The appearance of special access to the Justices—that is not available to all Americans—is corrosive to the legitimacy of the Court because, at minimum, it creates an appearance of undue influence that undermines the public's trust in the Court's impartiality. These revelations come at a time when public confidence in the Court is already at an all-time low, with only 37 percent of Americans reporting confidence in the Court.<sup>3</sup>

---

<sup>1</sup> See, e.g., Joshua Kaplan, Justin Elliott, & Alex Mierjeski, [Clarence Thomas and the Billionaire](#), PROPUBLICA (Apr. 6, 2023).

<sup>2</sup> Because this private yacht is owned by Rochelle Marine Ltd., a corporate entity, it is explicitly ineligible for the “personal hospitality” exception under the Ethics in Government Act (EIGA). See 16 U.S.C. § 13101(14) (defining “personal hospitality” as “hospitality extended for a nonbusiness purpose by an individual, **not a corporation or organization**, at the personal residence of that individual or the individual's family or on property owned by that individual or the individual's family”) (emphasis added).


<sup>3</sup> See Marist, *Poll National Adults, Interviews conducted April 17<sup>th</sup> through April 19<sup>th</sup>* (Apr. 24, 2023), available at <https://maristpoll.marist.edu/polls/medication-abortion-and-the-u-s-supreme-court/>.

Maintaining faith in the impartiality of the federal judiciary is a necessary prerequisite for preserving the rule of law. In the absence of action by the Supreme Court to address shortcomings in its ethical standards and practices, Congress must act to restore faith in the Court by passing legislation that addresses those shortcomings. The Senate Judiciary Committee has jurisdiction over such legislation, and the information requested by this letter will help clarify the full scope of ethical concerns that the legislation must address. For these reasons, please provide the following information as soon as possible, but no later than May 22, 2023:

1. Please identify the full itinerary for all travel Justice Thomas, or any other Justice of the Supreme Court, took on the *Michaela Rose*, including the points of origins and the final destinations if the Justice did not travel on the initial or final segment of the itinerary.
2. For each itinerary responsive to Question 1, please identify the full name of every passenger who also traveled on the *Michaela Rose* with a Justice. For passengers who were under the age of 18 at the time of their travel, their names may be redacted.
3. For each passenger identified in response to Question 2, please identify whether the passenger paid for travel on the *Michaela Rose* or if the travel was provided to the passenger as a gift from Rochelle Marine Ltd.

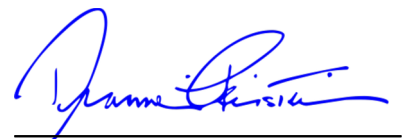
Thank you for your attention to this important matter. We look forward to your prompt reply.

Sincerely,




---

Richard J. Durbin  
Chair




---

Dianne Feinstein  
United States Senator



---

Sheldon Whitehouse  
United States Senator



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Amy Klobuchar  
United States Senator



Christopher A. Coons  
United States Senator




Richard Blumenthal  
United States Senator



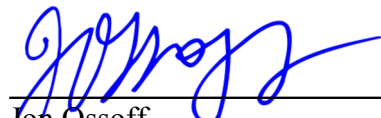
Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Jon Ossoff  
United States Senator



Peter Welch  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member

# Key Document E

**CONFIDENTIAL**

May 22, 2023

VIA ELECTRONIC MAIL

The Honorable Dick Durbin, Chairman  
U.S. Senate Committee on the Judiciary  
221 Dirksen Senate Office Building  
Washington, DC 20510

Re: Response to May 8, 2023, Letters to Harlan R. Crow, CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC

Dear Chairman Durbin:

We represent Harlan Crow in relation to your letters of May 8, 2023 (the “Letters”). Today, we also are responding on behalf of CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC. We recognize the important role the Senate Judiciary Committee has in considering legislation related to our federal court system, and we appreciate the opportunity to engage with the Committee.

After careful consideration, we do not believe the Committee has the authority to investigate Mr. Crow’s personal friendship with Justice Clarence Thomas. Most importantly, Congress does not have the constitutional power to impose ethics rules and standards on the Supreme Court. Doing so would exceed Congress’s Article I authority and violate basic separation of powers principles. That precludes the Committee from pursuing an investigation in support of such legislation.

Separately, the Committee has not identified a valid legislative purpose for its investigation and is not authorized to conduct an ethics investigation of a Supreme Court Justice. The Committee’s stated purpose of crafting new ethics guidelines for the Supreme Court is inconsistent with its actions and the circumstances in which this investigation was launched, all of which suggest that the Committee is targeting Justice Thomas for special and unwarranted opprobrium. Moreover, any information the Committee might legitimately need to draft legislation on this subject is readily available from other sources, the use of which would not trigger the same separation of powers concerns created by the Committee’s requests to Mr. Crow.

We address each of these points in greater detail below.

The Honorable Dick Durbin  
May 22, 2023  
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CONFIDENTIAL

**The Committee Lacks a Valid Legislative Purpose Because the Legislation It Is Considering, If Enacted, Would Be Unconstitutional**

The scope of the Committee’s investigative authority is necessarily limited by the bounds of Congress’s legislative authority. The “power to investigate . . . does [not] extend to an area in which Congress is forbidden to legislate.” *Quinn v. United States*, 349 U.S. 155, 161 (1955). A congressional investigation ostensibly carried out for the purpose of crafting legislation is therefore impermissible where the legislation in question, if enacted, would be unconstitutional. *See Comm. on Ways & Means, U.S. House of Representatives v. U.S. Dep’t of the Treasury*, 575 F. Supp. 3d 53, 67 (D.D.C. 2021) (noting that an investigation conducted to advance an unconstitutional piece of legislation would not have “a valid legislative purpose”).

The Committee’s Letter to Mr. Crow states that the Committee’s request is part of its “ongoing effort to craft legislation strengthening the ethical rules and standards that apply to the Justices of the Supreme Court.” But Congress lacks the authority to enact such legislation. As you know, Congress may act only pursuant to its enumerated powers. *See Marbury v. Madison*, 5 U.S. 137, 176 (1803) (“The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the constitution is written.”). None of those enumerated powers includes the authority to regulate the internal affairs and operations of the Supreme Court, a coequal branch of government. *See* U.S. Const. art. I, § 8. Likewise, in the absence of any enumerated power touching on the subject, the Necessary and Proper Clause cannot support the creation of a Supreme Court ethics code by the legislative branch. *See United States v. Morrison*, 529 U.S. 598, 607 (2000) (“Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution.”). Moreover, even if Congress had the power to regulate the Supreme Court’s internal affairs, the creation of an ethics code would transgress important separation of powers principles, and therefore be an improper use of Congress’s lawmaking authority. *See Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 559 (2012). In consequence, because a Supreme Court ethics code is beyond Congress’s power to legislate, the Committee necessarily lacks authority to conduct an investigation for the purpose of crafting such a law.

Unlike the lower federal courts, the Supreme Court was established by the Constitution, not by an act of Congress. *See* U.S. Const. art. III, § 1 (“The judicial Power of the United States, shall be vested in one supreme Court.”). Thus, while Congress’s enumerated powers include the power to “constitute Tribunals inferior to the supreme Court,” and that power entails a degree of control over the operations of the lower courts, no similar authority exists with respect to the Supreme Court. U.S. Const. art. I, § 8, cl. 9; *see also Sheldon v. Sill*, 49 U.S. 441 (1850). Instead, the Constitution confers only a few, circumscribed powers that Congress may exercise with respect to how the Supreme Court functions. First, Congress may make “exceptions” to the Court’s appellate jurisdiction. U.S.



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Const. art. III, § 2, cl. 2. And second, Congress may impeach and remove Justices for high crimes and misdemeanors. *See* U.S. Const. art. I, § 2, cl. 5. Neither provision authorizes the enactment of an ethics code.

Nor can the Constitution's Necessary and Proper Clause serve as independent authority for Congress to create a Supreme Court ethics code. That clause permits Congress to enact only those laws that are "incidental to [its enumerated] power[s]." *M'Culloch v. Maryland*, 17 U.S. 316, 418 (1819). As noted, there is no enumerated power that endows Congress with the authority to regulate the Supreme Court's internal affairs, and the Supreme Court does not exist by virtue of any congressional enactment. While Congress's express power to establish lower federal courts may necessarily imply its authority to regulate the ethics of lower court judges, that is clearly not true of Supreme Court Justices.

A congressionally-imposed ethics code for Supreme Court Justices would also be unconstitutional as an improper intrusion on the authority of a coequal branch of government. "[L]aws that undermine the structure of government established by the Constitution" are not a "proper means for carrying into Execution Congress's enumerated powers." *Sebelius*, 567 U.S. at 559. And it is well-established that "complete independence of the courts is peculiarly essential in a limited constitution" such as ours. *The Federalist* No. 78, p. 465 (C. Rossiter ed. 1961). If Congress enacted a Supreme Court ethics code, it would impermissibly undermine the independence of the judiciary in two distinct ways. First, such a code would usurp the inherent power the Supreme Court possesses under Article III of the Constitution to regulate its own affairs, which it is doing. The Chief Justice recently sent the Chairman the "Statement on Ethics Principles and Practices" to which every current member of the Supreme Court subscribes. Second, a congressionally-imposed code would interfere with the Court's exercise of its constitutional authority. Each of these intrusions on the judicial power is independently sufficient to invalidate a congressionally-imposed ethics code for Supreme Court Justices.

As to the first point, there is no question that Congress is without authority to "prescribe" how the Supreme Court exercises its judicial powers. *United States v. Klein*, 80 U.S. 128, 146 (1871). Any law that attempts to do so "passe[s] the limit which separates the legislative from the judicial power." *Id.* at 147. Further, inherent in the authority Article III vests in the Supreme Court is the power to "manage th[e] [Court's] own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962). Among other things, this power includes the ability to "fashion an appropriate sanction for conduct which abuses the judicial process;" "discipline attorneys;" and "impose silence, respect, and decorum" in the Court's proceedings. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43–45 (1991). Establishing rules of judicial ethics that preserve the dignity and proper functioning of the Court plainly fits squarely within these inherent powers of internal court governance. A statute that purported to impose ethics requirements

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on the Justices would therefore be a clear example of Congress appropriating to itself a power that, by the Constitution, must belong to the judiciary.

Relatedly, foundational principles of separation of powers prohibit Congress from interfering with how other constitutional officers exercise their authority. *See, e.g., Franklin v. Massachusetts*, 505 U.S. 788, 800–01 (1992) (declining to extend Administrative Procedure Act requirements to presidential actions “[o]ut of respect for the separation of powers and the unique constitutional position of the President”). “Even when a branch does not arrogate power to itself . . . the separation-of-powers doctrine requires that a branch not impair another in the performance of its constitutional duties.” *Loving v. United States*, 517 U.S. 748, 757 (1996). Thus, for example, because the President has a “unique status under the Constitution [that] distinguishes him from other executive officials,” he is generally insulated from congressional interference with his official actions. *Nixon v. Fitzgerald*, 457 U.S. 731, 749 (1982). The same is true of the Supreme Court, which also occupies a unique position in the constitutional structure. Like the President, the Court is the head of a co-equal branch, and derives its powers directly from the Constitution, not from an act of Congress. That means that Congress cannot insert itself into the how the Court executes its duties.

An ethics code imposed by Congress would frustrate the independent exercise of the Court’s authority in a number of ways. In particular, as Chief Justice Roberts has noted, the Court’s independent management of its internal affairs “insulates [it] from inappropriate political influence and is crucial to preserving public trust in its work as a separate and coequal branch of government.” U.S. Supreme Court, 2021 Year-End Report on the Federal Judiciary 1 (Dec. 31, 2021). Congressional involvement in crafting a Supreme Court ethics code would thus risk inserting political influences into the Court’s affairs and interfere with the Court’s decisional independence. Enactment of a code of ethics would leave open the possibility that Congress could, on an ongoing basis, amend the code as it saw fit, creating an implicit threat to the Justices that Congress may create more intrusive and more burdensome ethics and disclosure obligations if it is unhappy with how the Justices decide cases. This risk is especially acute where, as here, the investigation purporting to inform legislation is being undertaken on a strictly partisan basis.

**The Committee’s Investigation Does Not Meet the Heightened Standard That Applies in this Case**

Even if the Committee had been engaged in legislative business when it wrote the Letters, its requests for financial information would not satisfy the heightened standards that apply where, as here, the request for “personal information implicate[s] weighty concerns regarding the separation of powers.” *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2035 (2020). In seeking details about a personal friendship of a Supreme Court Justice, the Committee may obtain the information for a valid legislative purpose only “if other sources

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could [not] reasonably provide Congress the information it needs in light of its particular legislative objective.” *Id.* at 2035–36. The Committee’s request must also be “no broader than reasonably necessary to support Congress’s legislative objective.” *Id.* at 2036. The Committee is not a grand jury and thus is not entitled to obtain “every scrap of potentially relevant evidence . . . .” *Id.*

The Letters seek detailed information about gifts of a certain value, real estate transactions, and hospitality exchanged between Mr. Crow and any Supreme Court Justice, among other things. But this highly specific information is simply not relevant, let alone “reasonably necessary,” to help the Committee write an ethics code of general application that would cover all Supreme Court Justices in a wide variety of situations. The only conceivable reason the Committee could offer for why it needs to know the specifics of Mr. Crow’s interactions with the Justices would be if the Committee intended to use Mr. Crow and Justice Thomas as a “case study” to guide its legislative efforts, but the Supreme Court has made clear that such a justification is insufficient when, as here, separation of powers principles are implicated by a congressional request. *Id.*

Congress has extensive experience crafting ethics rules and standards for judges and executive branch officials. *See, e.g.*, 5 U.S.C. § 13103. If Congress in fact can constitutionally draft legislation prescribing ethics standards for the Supreme Court, whatever information the Committee may need to craft an ethics code is readily available from other sources, including information already reported regarding Justice Thomas’s relationship with Mr. Crow. As is known, Mr. Crow has extended personal hospitality to Justice Thomas to travel on his plane and to join Mr. Crow, his family, and other friends on his boat and at his summer home in the Adirondacks. The particular details of Mr. Crow’s relationship with Justice Thomas would not meaningfully aid the Committee in crafting a new ethics code—or add anything to the Committee’s deliberations beyond what publicly available information and its own expertise and experience can provide.

**The Committee Lacks Authority to Conduct a Congressional Ethics Investigation of Justice Thomas**

Although the Letters state that the Committee’s purpose is to craft legislation to impose new ethics rules and standards on Supreme Court Justices, and ask Mr. Crow and various registered agents about a variety of interactions he or they may have had with any Supreme Court Justices, the public statements of the Letters’ signatories and the timing and context of the Committee’s investigation tell a different story. *See Shelton v. United States*, 404 F.2d 1292, 1297 (D.C. Cir. 1968) (explaining that statements of Committee members and staff are an important source for identifying the purpose of an investigation); *see also Mazars USA, LLP*, 140 S. Ct. at 2036 (requiring a more searching assessment of the purpose behind an investigation “when Congress contemplates legislation that raises sensitive

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constitutional issues”). It is clear that the Committee’s investigation is part of a larger campaign to target and intimidate Justice Thomas and unearth what the Committee apparently believes will be embarrassing details of the Justice’s personal life. Those goals do not authorize the Committee to conduct a congressional ethics investigation of Justice Thomas.

“[T]here is no congressional power to expose for the sake of exposure.” *Watkins v. United States*, 354 U.S. 178, 200 (1957). Yet that is exactly what the Committee is seeking to do. As Senator Hirono, one of the Letters’ signatories, acknowledged recently, she does not think a code of ethics will actually pass Congress, but would still like to “point the finger where the finger needs to be pointed” because “half the battle is alerting the public to what’s going on.” Nick Grube, *‘It’s Astounding’: US Sen. Mazie Hirono Pushes Investigation Of Justice Clarence Thomas*, Honolulu Civil Beat (April 16, 2023). It is also notable that the Letters were sent a little less than a month after the Committee wrote Chief Justice Roberts urging him to investigate Justice Thomas’s friendship with Mr. Crow, in response to a *ProPublica* report published on April 6 about their friendship. As Senator Whitehouse said at the time, the Committee was seeking a “thorough and transparent investigation” to force Justice Thomas to “explain” his actions and was asking the Chief Justice to launch the investigation “immediately.” U.S. Senator Sheldon Whitehouse, Press Release: Whitehouse Calls for Investigation Into Justice Thomas’s Extravagant Billionaire-Funded Travel (April 6, 2023). Shortly thereafter, when it was apparent that the Chief Justice was not going to pursue the investigation the Committee sought, the Committee attempted to launch its own ethics investigation; to expose for the sake of exposure; to embarrass and harass a specific Supreme Court Justice.

\* \* \*

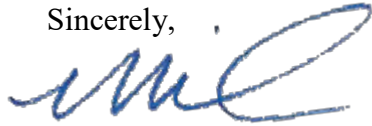
In 1964, the U.S. Senate created a committee to determine ethics rules that apply to its members and to investigate allegations of misconduct. The Chairman served on that committee and doubtless knows that it rightly claims authority from Article I of the Constitution, which empowers each House of Congress to “determine the Rules of its Proceedings [and] punish its Members for disorderly Behavior . . . .” U.S. Const. art. I, § 5, cl. 2. The Senate, of course, would not consider creating a committee to set and police the ethics of the Supreme Court as the Constitution gives it no authority to do so. Yet that is what is happening here.

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Please feel free to have your staff contact me with any questions concerning this response.

Sincerely,



Michael D. Bopp

cc: The Honorable Lindsey Graham  
Ranking Member  
U.S. Senate Committee on the Judiciary

# Key Document F

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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 26, 2023

Harlan Crow  
Chairman of the Board  
Crow Holdings Securities, LLC  
3819 Maple Ave.  
Dallas, TX 75219

Dear Mr. Crow:

This letter follows up on the Senate Judiciary Committee's May 8, 2023, request for information in your possession that is highly relevant to the Committee's ongoing efforts to craft judicial ethics reform legislation. Investigative reporting has exposed serious shortcomings in the ethical standards that apply to Supreme Court justices and has highlighted ethical lapses by justices that the American people would not tolerate from any public servant, let alone a justice on the nation's highest Court. Chief Justice Roberts could take action today to help restore trust in the Court by adopting binding ethics reforms, including a credible, transparent, and enforceable code of conduct for the justices. However, he has repeatedly declined to do so, and in the face of this lack of accountability, public confidence in the Court continues to plummet. Consequently, Congress must act to ensure the highest Court in the land does not continue to have the lowest ethical standards.

In your letter dated May 22, 2023, you declined to provide the information the Committee requested to inform its legislative efforts in these areas. Your explanation rested on a flawed assessment of Congress's Article I oversight authority; a cramped reading of Congress's constitutional authority to legislate in the area of government ethics; and a wholly misplaced view of the separation of powers, a doctrine that is implicated when Congress requests information from coordinate branches of government, not private individuals. You also repeatedly conflated personal hospitality with the use of corporate-owned property, which highlights one of the key issues the Committee seeks to address through legislation. We respond below to your contentions, and request that you provide the information sought in our May 8 letter no later than June 5, 2023.

***The Committee's Request Is Well Within the Scope of Its Oversight Authority and Supported by a Clear Legislative Purpose***

Your primary rationale for refusing to produce the requested information appears to be that the Committee lacks a valid legislative purpose for inquiring into matters of judicial ethics. That contention contravenes decades of Supreme Court precedent recognizing the breadth of Congress's Article I oversight powers and is at odds with Congress's long history of legislating to ensure federal government officials, including Supreme Court justices, are held to high ethical standards.

It is well established that Congress has the “broad” and “indispensable”<sup>1</sup> authority “to secure needed information” to legislate.<sup>2</sup> This “power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function,”<sup>3</sup> is “deeply rooted in American and English institutions,”<sup>4</sup> and extends to any “subject on which legislation ‘could be had.’”<sup>5</sup> The Supreme Court has made clear that this congressional oversight authority “encompasses inquiries into the administration of existing laws, studies of proposed laws, and ‘surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them.’”<sup>6</sup> This power is broad for good reason: “Without information, Congress would be shooting in the dark, unable to legislate ‘wisely or effectively.’”<sup>7</sup>

The Committee’s request for information to aid its consideration of legislation reforming judicial ethics laws falls comfortably within the bounds of this well-established authority. Congress has long legislated in the area of government ethics, and laws regulating the conduct of the federal judiciary—including the Supreme Court—have been on the books for decades.<sup>8</sup> The Committee’s current inquiry, which focuses on whether these laws need to be strengthened or supplemented in light of recent reporting of ethical transgressions at the Supreme Court, is of a piece with this long history of ensuring the ethics and integrity of our federal judiciary through legislation. This unquestionably constitutes a valid legislative purpose.

### **The Contrary Arguments in Your May 22 Letter Lack Merit**

Your arguments to the contrary lack merit and are insufficient bases on which to decline to provide the information the Committee has requested. *First*, you claim that our May 8 information requests are improper because Congress “lacks the authority” under the Constitution to enact “legislation strengthening the ethical rules and standards that apply to the Justices of the Supreme Court.” This assertion likely comes as a surprise to the Supreme Court justices themselves, who have complied with many such laws for decades.<sup>9</sup>

Congress has substantial legislative authority over the administrative aspects of the federal courts generally and the Supreme Court in particular. Congress controls the size of the Supreme Court.<sup>10</sup> Congress controls the time and place of the Court’s sitting.<sup>11</sup> Congress dictates the seniority of justices.<sup>12</sup> Congress establishes the words of the oath that justices swear to

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<sup>1</sup> *Watkins v. United States*, 354 U.S. 178, 187, 215 (1957).

<sup>2</sup> *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927).

<sup>3</sup> *Id.*

<sup>4</sup> *Quinn v. United States*, 349 U.S. 155, 160 (1955).

<sup>5</sup> *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 506 (1975) (quoting *McGrain*, 273 U.S. at 177).

<sup>6</sup> *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020) (quoting *Watkins*, 354 U.S. at 187).

<sup>7</sup> *Id.* (quoting *McGrain*, 273 U.S. at 175).

<sup>8</sup> *See, e.g.*, 5 U.S.C. §§ 13101, et seq. (Ethics in Government Act of 1978); P.L. 101-194 (Ethics Reform Act of 1989); 28 U.S.C. § 455 (federal recusal laws).

<sup>9</sup> *See* “Statement on Ethics Principles and Practices,” Letter from Chief Justice John Roberts, U.S. Supreme Court, to Senator Richard Durbin, Chair of the Senate Judiciary Committee (Apr. 25, 2023), at pp. 4-5, listing congressionally enacted statutes that expressly apply to justices and noting that the justices “comply with” and “follow” the statutes.

<sup>10</sup> 28 U.S.C. § 1.

<sup>11</sup> 28 U.S.C. § 2.

<sup>12</sup> 28 U.S.C. § 4.



uphold.<sup>13</sup> Congress also controls almost the entirety of the Supreme Court’s jurisdiction; outside of the Court’s narrow original jurisdiction over “Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party,” the Constitution grants Congress the authority to control the Supreme Court’s power to hear appeals in all other cases and controversies.<sup>14</sup>

Consistent with this broad authority to control the administrative aspects of the federal courts, Congress has enacted ethics legislation that applies to the justices on numerous occasions, as noted above. Examples include the Ethics in Government Act,<sup>15</sup> the Federal Gift Statute,<sup>16</sup> the Foreign Gifts and Decorations Act,<sup>17</sup> the Federal Recusal Statute,<sup>18</sup> and more. Supreme Court justices have complied with these and similar laws for decades without complaint or suggestion that they encroach on the Supreme Court’s core Article III judicial powers. Indeed, Chief Justice Roberts stressed that the justices adhere to such statutes in the *Statement on Ethics Principles and Practices* that he transmitted to the Committee on April 25, 2023.<sup>19</sup> As recently as last year, Congress enacted bipartisan ethics reform legislation, the Courthouse Ethics and Transparency Act,<sup>20</sup> which applies to the justices and whose constitutionality the *Statement on Ethics Principles and Practices* does not question. Congress can enact, has enacted, and will continue to enact ethics legislation that applies to Supreme Court justices, and Congress has shown it can do so without posing any risk to the justices’ decisional independence.

*Second*, even if there were some question about whether Congress can constitutionally legislate in this area—and there is not—your hypothetical constitutional objection to legislation that is still under development would be an insufficient excuse for failing to comply with the Committee’s information request. In particular, your reliance on a 2021 district court case for the proposition that “[a] congressional investigation ostensibly carried out for the purpose of crafting legislation is . . . impermissible where the legislation . . . would be unconstitutional” is misplaced. Contrary to your characterization, that case makes clear that “[a] long line of Supreme Court cases requires great deference to facially valid congressional inquiries.”<sup>21</sup> This deference extends to circumstances where legislation could take multiple forms, some of which may be constitutionally suspect. Even in such a case, the district court made clear, “the Committee need not say exactly what legislation it intends to enact” for its inquiry to be valid.<sup>22</sup> The D.C. Circuit reiterated this point last year, emphasizing that “the Supreme Court [in *Trump v. Mazars*] did not suggest that a court examining a [congressional] subpoena . . . would be

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<sup>13</sup> 28 U.S.C. § 453. With this authority, Congress can require all future justices to swear to an oath that outlines the precise ethical obligations Congress wishes.

<sup>14</sup> U.S. Const. art. III, § 2, cl. 2. (“In all the other cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.”)

<sup>15</sup> 5 U.S.C. §§ 13101, et seq.

<sup>16</sup> 5 U.S.C. § 7353.

<sup>17</sup> 5 U.S.C. § 7342.

<sup>18</sup> 28 U.S.C. § 455.

<sup>19</sup> Letter from Chief Justice John Roberts, U.S. Supreme Court, to Senator Richard Durbin, Chairman of the Senate Judiciary Committee (Apr. 25, 2023).

<sup>20</sup> Courthouse Ethics and Transparency Act, P.L. 117-125.

<sup>21</sup> *Comm. on Ways & Means, U.S. House of Representatives v. U.S. Dep’t of the Treasury*, 575 F. Supp. 3d 53, 59 (D.D.C. 2021).

<sup>22</sup> *Id.* at 67 (citing *In re Chapman*, 166 U.S. 661, 669-70 (1897)).

expected to pronounce in advance on whether contemplated legislation addressing such ‘sensitive constitutional issues’ passes constitutional muster.”<sup>23</sup> As explained above, the Supreme Court has long recognized that Congress may use its inherent investigatory powers “‘to secure needed information’ in order to legislate”<sup>24</sup> on a “subject on which legislation ‘could be had.’”<sup>25</sup> This Committee is still exploring a range of appropriate legislative solutions to address ethics reform for the Supreme Court and unquestionably has authority to request information to support this purpose.<sup>26</sup>

*Third*, you claim the Committee’s inquiry is invalid because “[i]t is clear that the Committee’s investigation is part of a larger campaign to target and intimidate Justice Thomas and unearth what the Committee apparently believes will be embarrassing details of the Justice’s personal life.” This contention mischaracterizes the Committee’s work on this issue, which has spanned multiple Congresses and administrations.

The efforts by members of this Committee to ensure that the justices abide by a binding code of conduct and follow existing ethics laws are longstanding. In February, 2012, we, joined by then-Chairman Leahy, Senator Blumenthal, and then-Senator Franken, wrote to Chief Justice Roberts asking the Court to adopt the Judicial Code of Conduct as binding on the justices.<sup>27</sup> As that letter noted, our interest in this topic arose from years-long efforts to “increase public trust and confidence in all of our institutions, including the Supreme Court.”<sup>28</sup> In addition, as Chair of the Federal Courts Subcommittee, Senator Whitehouse has led a longstanding inquiry into the judiciary’s interpretation of the “personal hospitality” exemption to the federal gift reporting requirements that all federal judges, including Supreme Court justices, must follow. This oversight matter—which concerns the same provision that Justice Thomas has now been accused of abusing—encompassed multiple letters to the Judicial Conference and the Supreme Court and began well before the recent reports about Justice Thomas.<sup>29</sup> The Committee’s efforts since then, including our May 8 requests, have built on all of this prior work.

This year, *ProPublica* released not one,<sup>30</sup> not two,<sup>31</sup> but three<sup>32</sup> different reports about unreported gifts or transactions Justice Thomas has received from or engaged in with you or corporate entities in your orbit. These gifts are orders of magnitude above the value of gifts that

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<sup>23</sup> *Trump v. Mazars USA, LLP*, 39 F.4th 774, 809 (D.C. Cir. 2022).

<sup>24</sup> *Mazars*, 140 S. Ct. at 2031 (citing *McGrain*, 273 U.S. at 161).

<sup>25</sup> *Id.* (citing *Eastland*, 421 U.S. at 506).

<sup>26</sup> *Cf. Eastland*, 421 U.S. at 509 (“The very nature of the investigative function—like any research—is that it takes the searchers up some ‘blind alleys’ and into nonproductive enterprises. To be a valid legislative inquiry there need be no predictable end result.”).

<sup>27</sup> [Letter from Five Senate Judiciary Committee Members to Chief Justice Roberts](#), U.S. Supreme Court (Feb. 13, 2012).

<sup>28</sup> *Id.*

<sup>29</sup> See Press Release, [After Whitehouse Spotlights Loopholes, Federal Judiciary Announces Tightening of Personal Hospitality Exceptions, Strengthening Ethics Standards for Justices & Judges](#) (Mar. 28, 2023).

<sup>30</sup> Joshua Kaplan, Justin Elliott, & Alex Mierjeski, [Clarence Thomas and the Billionaire](#), PROPUBLICA (Apr. 6, 2023).

<sup>31</sup> Joshua Kaplan, Justin Elliott, & Alex Mierjeski, [Billionaire Harlan Crow Bought Property From Clarence Thomas. The Justice Didn’t Disclose the Deal.](#), PROPUBLICA (Apr. 13, 2023).

<sup>32</sup> Joshua Kaplan, Justin Elliott, & Alex Mierjeski, [Clarence Thomas Had a Child in Private School. Harlan Crow Paid the Tuition](#), PROPUBLICA (May 4, 2023).

any other justice has been known to accept, including Justice Fortas, who resigned over similar revelations.<sup>33</sup> That several members of the Committee have commented specifically on Justice Thomas’s conduct is understandable, given how such conduct demonstrates the ineffectiveness of the Court’s current ethical standards and illustrates the gaps that Supreme Court ethics legislation must address. Highlighting current dysfunction is one of many methods legislators use to make the case for specific legislative solutions and to strengthen the political will to pass such legislation. Contrary to your claims, these statements do not undermine the valid legislative purpose the Committee has identified in our letters. As the D.C. Circuit has recognized, “[t]he mere prospect that misconduct might be exposed does not make the Committee’s request prosecutorial. Missteps and misbehavior are common fodder for legislation.”<sup>34</sup>

**The Committee’s Request for Personal and Business Records from a Private Citizen and Private Corporations Poses No Separation-of-Powers Concerns**

Your additional argument that the separation of powers prevents you and three private holding companies from providing your own personal records and the companies’ business records in response to a lawful request from Congress is equally misplaced. In particular, your attempt to analogize the Committee’s request to the subpoenas at issue in *Trump v. Mazars* is unavailing. The Court in *Mazars* applied a balancing test designed to account for separation-of-powers concerns where House committees had subpoenaed the personal financial records of a sitting President—“the only person who alone composes a branch of government”—and the President sued to block the congressional subpoenas.<sup>35</sup> Although the subpoenas were directed to financial firms, the information sought included the personal financial records of the President, which these firms held as service providers to him, his family, and his businesses.<sup>36</sup>

By contrast, here, the Committee has directed its inquiry to you and several private entities, not a coequal branch of government with separation-of-powers equities. Nor has the Committee requested that you or the three holding companies produce any private records of the justices. The Committee’s May 8 letters concern only your personal records and the business records of the holding companies. Accordingly, the same “clash between rival branches of government” and corresponding “weighty concerns regarding the separation of powers” that the Court identified in *Mazars* simply are not present here.<sup>37</sup> These requests do not present any intrusion, much less the “unnecessary intrusion” that *Mazars* sought to guard against,<sup>38</sup> into the operation of the Supreme Court. Indeed, your own letter suggests that, when Congress wishes to avoid separation-of-powers questions, it may seek information from “other sources” before it requests information from a coordinate branch of government. You and the holding companies, as a private individual and private entities, are those “other sources.”

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<sup>33</sup> John P. MacKenzie, [The Supreme Court justice who resigned in disgrace over his finances](#), WASH. POST (Apr. 17, 2023).

<sup>34</sup> *Trump v. Thompson*, 20 F.4th 10, 42 (D.C. Cir. 2021); *see also Trump v. Mazars USA, LLP*, 940 F.3d 710, 728-29 (D.C. Cir. 2019) (recognizing that a congressional committee’s “interest in past illegality can be wholly consistent with an intent to enact remedial legislation”).

<sup>35</sup> *Mazars*, 140 S. Ct. at 2034.

<sup>36</sup> *Id.* at 2027-28.

<sup>37</sup> *Id.* at 2034-35.

<sup>38</sup> *Id.* at 2036.

### *Conflation of Personal Friendship with Corporate Gifts*

In addition to the issues above, by responding on behalf of yourself, as well as HRZNAR LLC, Rochelle Marine Ltd., and Topridge Holdings, LLC, you are highlighting your treatment of corporate interests as coextensive with your own. This strikes at the heart of one area where ethics reform is needed: the conflation of personal friendship and corporate gifts of travel and lodging. Characterizing the gifts provided to Justice Thomas as “personal hospitality” does not make it so, especially when those gifts are from corporate entities. Accordingly, we have requested the relevant business records of these entities to help determine the full scope of the ethical problems in the federal judiciary that legislation must address.

The Ethics in Government Act currently requires filers (including Supreme Court justices) to disclose gifts valued over \$415, “except that any **food, lodging, or entertainment** received as personal hospitality of an individual need not be reported.”<sup>39</sup> The Act defines “personal hospitality” as “hospitality extended for a nonbusiness purpose by an individual, **not a corporation or organization**, at the personal residence of that individual or the individual’s family or on property owned by the individual or the individual’s family.”<sup>40</sup> As these definitions make clear, personal hospitality can be extended only at a personal residence or other property owned by the individual or family, and does not include transportation, which is not “food, lodging, or entertainment.” Despite the plain language of this statute, for years, certain Supreme Court justices had apparently been applying an overly expansive definition of “personal hospitality” that allowed them to avoid reporting gifts of luxury travel and vacations.

In response to long-running oversight from Senator Whitehouse, the *Guide to Judiciary Policy for Financial Disclosure* was updated on March 23, 2023, to clarify that the “personal hospitality” should be interpreted consistent with the plain text of the statute. Congress has a continuing role to assess whether that clarification is sufficient to address the full scope of the problem and whether more stringent standards should be codified into federal law. The information requested in our May 8 letters is directly relevant to that inquiry.

\* \* \*

Without a proper basis to withhold information from Congress, we request that you provide the Committee with all of the information requested in our May 8 letter by June 5, 2023.

Thank you for your prompt attention to this matter.

Sincerely,

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<sup>39</sup> 5 U.S.C. § 13104(a)(2) (emphasis added).

<sup>40</sup> 5 U.S.C. § 13101(14) (emphasis added).



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Richard J. Durbin  
Chair, Senate Committee  
on the Judiciary



---

Sheldon Whitehouse  
Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights

- cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary
- cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Key Document G

RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 26, 2023

Rod Ward, CEO  
Corporation Service Company  
Registered Agent  
Topridge Holdings, LLC  
251 Little Falls Dr.  
Wilmington, DE 19808

Susan K. Jackman  
Director  
Topridge Holdings, LLC New York Branch  
80 State St.  
Albany, NY 12207

Dear Mr. Ward and Ms. Jackman:

This letter is to inform you that the Senate Judiciary Committee is awaiting Topridge Holdings, LLC's response to the Committee's letter of May 8. While the Committee received on May 22 a response from Harlan Crow's counsel that purported to answer for Mr. Crow and Topridge Holdings, LLC, this letter does not constitute a response to the May 8 letter the Committee sent to Topridge Holdings, LLC. A limited liability company is a distinct legal entity from its owner(s), and Mr. Crow's May 22 letter does not establish any authority to respond on Topridge Holdings, LLC's behalf.

We request that you or an appropriate representative of Topridge Holdings, LLC provide the Committee with all of the information the Committee requested in our May 8 letter to Topridge Holdings, LLC by June 5, 2023 or we will deem Topridge Holdings, LLC to be noncompliant with the Committee's request.

Thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin  
Chair, Senate Committee on  
the Judiciary



Sheldon Whitehouse  
Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights

cc: The Honorable Lindsey O. Graham  
Ranking Member

cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights



# Key Document H

RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 26, 2023

Michael Levy, President  
CH Asset Company  
Registered Agent  
HRZNAR LLC  
3819 Maple Ave.  
Dallas, TX 75219

Dear Mr. Levy:

This letter is to inform you that the Senate Judiciary Committee is awaiting HRZNAR LLC's response to the Committee's letter of May 8. While the Committee received on May 22 a response from Harlan Crow's counsel that purported to answer for Mr. Crow and CH Asset Company, this letter does not constitute a response to the May 8 letter the Committee sent to HRZNAR LLC. A limited liability company is a distinct legal entity from its owner(s), and Mr. Crow's May 22 letter does not establish any authority to respond on HRZNAR LLC's behalf.

We request that you or an appropriate representative of HRZNAR LLC provide the Committee with all of the information the Committee requested in our May 8 letter to HRZNAR LLC by June 5, 2023 or we will deem HRZNAR LLC to be noncompliant with the Committee's request.

Thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin  
Chair, Senate Committee on  
the Judiciary



Sheldon Whitehouse  
Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights

cc: The Honorable Lindsey O. Graham  
Ranking Member

cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Key Document I

RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

May 26, 2023

Lisa Johnston, Operations Director  
Carey Commercial Ltd.  
Registered Agent  
Rochelle Marine Ltd.  
1<sup>st</sup> and 2<sup>nd</sup> Floors, Elizabeth House  
Les Ruettes Brayes, St. Peter Port, Guernsey  
Channel Islands GY1 1EW

Dear Ms. Johnston:

This letter is to inform you that the Senate Judiciary Committee is awaiting Rochelle Marine Ltd.'s response to the Committee's letter of May 8. While the Committee received on May 22 a response from Harlan Crow's counsel that purported to answer for Mr. Crow and Carey Commercial Ltd., this letter does not constitute a response to the May 8 letter the Committee sent to Rochelle Marine Ltd. A limited liability company is a distinct legal entity from its owner(s), and Mr. Crow's May 22 letter does not establish any authority to respond on Rochelle Marine Ltd.'s behalf.

We request that you or an appropriate representative of Rochelle Marine Ltd. provide the Committee with all of the information the Committee requested in our May 8 letter to Rochelle Marine Ltd. by June 5, 2023 or we will deem Rochelle Marine Ltd. to be noncompliant with the Committee's request.

Thank you for your prompt attention to this matter.

Sincerely,



---

Richard J. Durbin  
Chair, Senate Committee on  
the Judiciary



---

Sheldon Whitehouse  
Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights

cc: The Honorable Lindsey O. Graham  
Ranking Member

cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Key Document J

**CONFIDENTIAL**

June 5, 2023

VIA ELECTRONIC MAIL

The Honorable Dick Durbin, Chairman  
U.S. Senate Committee on the Judiciary  
221 Dirksen Senate Office Building  
Washington, DC 20510

Re: Response to May 26, 2023, Letter to Harlan R. Crow

Dear Chairman Durbin:

We write on behalf of Harlan Crow in response to your letter of May 26, 2023 (the “May 26 Letter”) responding to our May 22, 2023 letter (“Response”), which raised serious concerns about your original request of May 8, 2023 for information regarding Mr. Crow’s friendship with Justice Clarence Thomas. Please note that CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC have asked us to respond on their behalves and we are doing so today. While the concerns we expressed in our Response about the Committee’s investigation remain, we respect the Senate Judiciary Committee’s important role in formulating legislation concerning our federal courts system, and would welcome a discussion with your staff.

In our Response, we explained why we believe the Committee lacks authority to conduct its investigation of Mr. Crow and Justice Thomas. To reiterate, Congress does not have the power to impose ethics standards on the Supreme Court. It therefore cannot mount an investigation for the purpose of helping craft such standards. The Committee also may not pursue an investigation for the purpose of targeting and exposing private facts about an individual. Finally, because the Committee has requested information about the leadership of a coequal branch of government—implicating sensitive separation of powers considerations—it must satisfy a higher standard in order to establish a valid legislative purpose for seeking the requested information. On this point, too, the Committee’s investigation comes up short.

**The Constitutional Limits on the Committee’s Authority Are Clear**

In our Response, we explained in detail why Congress lacks power to impose ethics standards on the Supreme Court. The fact that Congress has enacted ethics legislation previously—a point on which the May 26 Letter relies heavily—is no answer to our concerns. “[P]ast practice does not, by itself, create power.” *Medellin v. Texas*, 552 U.S.



The Honorable Dick Durbin  
June 5, 2023  
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491, 532 (2008) (quotations omitted). The constitutionality of the legislation the Committee claims it is crafting must be assessed on its own terms, not based on whether it is consistent with other laws, the constitutionality of which has never been tested.

Nor does Congress's ability to enact laws governing mere administrative functions of the Supreme Court mean that Congress also has the authority to take the very different and more intrusive step of imposing ethics standards on the Justices. Congress's power to create laws "necessary and proper for carrying into Execution" the provisions of the Constitution must be "[r]ead together" with the precise contents of those provisions. *Bond v. United States*, 572 U.S. 844, 874–75 (2014) (Scalia, J., concurring). To do otherwise would create "unlimited congressional power" inconsistent with the constitutional design. *Id.* at 877.

Thus, Congress may undertake measures to facilitate Article III's vesting of judicial power in the Supreme Court, such as by fixing the number of Justices who serve on the Court above the constitutional minimum. *See* U.S. Const. art. III, § 1; U.S. Const. art. I, § 3, cl. 6; *id.* § 8, cl. 18. But fixing the number of Justices is, as this Committee has recognized in the past, done "for purely administrative purposes." S. Rep. No. 75-711 at 12 (1937). It is a ministerial measure to help execute the *vesting* of judicial power. It is not a regulation of the *exercise* of judicial power, which the Constitution reserves to the judiciary. *See Stern v. Marshall*, 564 U.S. 462, 483 (2011) ("[T]he judicial Power of the United States can no more be shared with another branch than the Chief Executive, for example, can share with the Judiciary the veto power." (quotations omitted)). And Congress's ability to enact measures that effectuate the vesting of judicial power does not imply plenary authority to enact any and all laws that may be related to the judicial function. *Cf. Gibbons v. Ogden*, 22 U.S. 1, 195 (1824) ("The enumeration presupposes something not enumerated.").

In stark contrast to a statute fixing the number of seats on the Supreme Court, an ethics standard would be a substantive regulation of the conduct of the Justices in both their official and private lives. It is different in kind from laws that facilitate the vesting of the judicial power because it is not "incidental" to the basic administrative functioning of the Court. *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 559 (2012). Nor is an ethics standard a "prerequisite" to the Court's exercise of judicial power. *Patchak v. Zinke*, 138 S. Ct. 897, 907 (2018). It is therefore beyond Congress's authority under the Necessary and Proper Clause. Further, the May 26 Letter does not identify any other enumerated power that could possibly support the enactment of an ethics standard. That means an ethics standard of any kind, imposed on the Court by Congress, would be unlawful. *See United States v. Morrison*, 529 U.S. 598, 607 (2000).<sup>1</sup>

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<sup>1</sup> The May 26 Letter also mistakenly suggests that the Supreme Court has acquiesced in Congress's imposition of ethics standards on the Justices. Chief Justice Roberts has consistently affirmed that whether statutory ethics

The Honorable Dick Durbin  
June 5, 2023  
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Moreover, even if the Committee could find authority to legislate on the subject in an enumerated power, any attempt to enact Supreme Court ethics standards would still run afoul of the separation of powers. Indeed, this Committee rejected President Franklin Roosevelt's proposal to expand the number of seats on the Supreme Court because the proposal would have "permit[ted] executive and legislative interferences with the independence of the Court, . . . a permission which constitute[s] an affront to the spirit of the Constitution." S. Rep. No. 75-711 at 12 (1937). Thus, even if a measure like modifying the number of seats on the Court would ordinarily be permissible, it cannot be undertaken where it would erode the "essential balance created by" separating "the legislative from the judicial power." *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 221–22 (1995).

The independence of the Court is exactly what is at issue here. If Congress were empowered to enact ethics standards targeting the Justices, that power could readily be used to coerce or harass them for exercising the judicial power in ways deemed objectionable by legislators. An ethics standard imposed by Congress on the Justices would loom over the Court's independence as an implicit and omnipresent threat that the political branches may, at any time, "punish the Justices whose opinions [they] resent." S. Rep. No. 75-711 at 12 (1937). If dissatisfied with a decision, Congress could amend the standard, effectively giving Congress a "general superintending power" over the Court. *Calder v. Bull*, 3 U.S. 386, 398 (1798) (Iredell, J., concurring). Likewise, any enforcement mechanism for such an ethics standard would further undermine the constitutionally mandated independent role of the Supreme Court. A code enforced by the Judicial Conference of the United States, for example, would impermissibly invert the hierarchy of the judicial department, placing lower court judges in a supervisory role over the Supreme Court. Similarly, an ethics code enforced by executive branch officials would expose the Justices to potential harassment by political actors. And a congressionally mandated code that was meant to be enforced by the Justices themselves would be a usurpation by Congress—a command to the Justices to exercise in a particular way an inherent judicial power that is reserved exclusively to the Justices' discretion. See *Patchak*, 138 S. Ct. at 905 ("The separation of powers, among other things, prevents Congress from exercising the judicial power.").

These risks are particularly acute because of key differences between the Supreme Court and the political branches. Both Congress and the President have ample constitutional powers that can be freely wielded at their discretion in the course of inter-branch conflicts, such as Congress's appropriations and impeachment powers, and the President's veto power and wide-ranging administrative authority. Both political branches also enjoy the political support of their respective constituents. By contrast, the Supreme Court has no political

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standards are binding on the Supreme Court is an open question that raises concerns about the independence of the Court. See, e.g., U.S. Supreme Court, 2021 Year-End Report on the Federal Judiciary 1 (Dec. 31, 2021); U.S. Supreme Court, 2011 Year-End Report on the Federal Judiciary 6 (Dec. 31, 2011).

The Honorable Dick Durbin  
June 5, 2023  
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base, no role in the legislative process, and no authority to control, influence, or investigate the administration or execution of the laws outside the context of specific cases or controversies initiated and pursued by government or third-party litigants. This relative lack of power and political support vis-à-vis the political branches renders the Court more vulnerable to political intimidation. *See Nixon v. Adm'r of Gen. Servs.*, 433 U.S. 425, 441 (1977) (finding separation of powers concerns reduced because the “Executive Branch became a party to the [statute’s] regulation” when the President signed it into law and where executive officials “promulgate and administer the regulations that are the keystone of the statutory scheme”). Further, unlike lower courts, the Supreme Court possesses the ultimate power to “say what the law is” for the entire country, *Cooper v. Aaron*, 358 U.S. 1, 18 (1958) (quoting *Marbury v. Madison*, 5 U.S. 137, 177 (1803)), including the ability to depart from past precedents where they are “unworkable or are badly reasoned,” *Payne v. Tennessee*, 501 U.S. 808, 827 (1991). That gives the Supreme Court a singularly important place in our system of government, and makes any impairment of its “performance of its constitutional duties” a unique threat to the constitutional structure. *Loving v. United States*, 517 U.S. 748, 757 (1996).

In short, separation of powers principles dictate that each branch must be “entirely free from the control or coercive influence, direct or indirect,” of the other branches. *Humphrey’s Ex’r v. United States*, 295 U.S. 602, 629 (1935). Yet permitting Congress to arrogate to itself the power to impose an ethics standard on the Supreme Court would create a substantial risk of both direct and indirect coercion of the Court by the political branches—a risk made all the more apparent by recent calls to pack the Court or retaliate against the Justices if they “go forward” with certain decisions. *See, e.g.,* Jess Bravin, *Chief Justice John Roberts Rebukes Chuck Schumer Over ‘Pay the Price’ Comments*, Wall Street Journal (Mar. 5, 2020).

**The Constitutional Objections to Imposing Ethics Standards on the Justices Bar the Committee’s Investigation**

Given the foregoing considerations, the Committee’s investigation is inconsistent with the Constitution. Congress’s investigative authority extends only to subjects “on which ‘legislation could be had.’” *Eastland v. U. S. Servicemen’s Fund*, 421 U.S. 491, 506 (1975) (quoting *McGrain v. Daugherty*, 273 U.S. 135, 177 (1927)). Contrary to the claims in the May 26 Letter, courts have made clear that, if an investigation is aimed at crafting a constitutionally objectionable law, it is not permitted. *See Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (“Congress may only investigate into those areas in which it may potentially legislate or appropriate.”); *see also United States v. Lamont*, 18 F.R.D. 27, 33 (S.D.N.Y. 1955) (“[T]he Supreme Court has steadfastly held that the congressional power to investigate is not boundless.”). While an investigation may be carried out to aid the enactment of a lawful statute—and may proceed even if it might also be used to help write other bills that may not withstand constitutional scrutiny—an investigation is barred where it

The Honorable Dick Durbin  
June 5, 2023  
Page 5

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has no legitimate legislative objective. *See Quinn v. United States*, 349 U.S. 155, 161 (1955). That is the case here.

The cases on which the May 26 Letter relies to suggest otherwise involved circumstances where the court did “not know the particulars of any legislation that Congress might ultimately enact,” and had “no reason to conclude . . . that any legislation in the areas considered by the Committee would necessarily present a constitutional problem.” *Trump v. Mazars USA, LLP*, 39 F.4th 774, 809 (D.C. Cir. 2022). Here, by contrast, the Committee’s intentions are clear: It seeks to enact ethics standards for the Supreme Court, and is considering specific bills to accomplish that goal. *See, e.g.*, Supreme Court Ethics, Recusal, and Transparency Act of 2023, S. 359, 118th Cong. (2023); Supreme Court Ethics Act, S. 325, 118th Cong. (2023). It is equally clear that any ethics standard that Congress requires the Supreme Court to follow would exceed Congress’s authority, for all the reasons set forth above. The Committee’s investigation thus presents a quintessential example of an impermissible inquiry on a subject on “which Congress is forbidden to legislate.” *Quinn*, 349 U.S. at 161.

**Seeking Information about a Sitting Supreme Court Justice from a Private Party Further Implicates Separation of Powers Concerns, Which Impose a Heightened Standard for Showing a Legislative Purpose**

The Committee’s requests also cannot withstand constitutional scrutiny for an additional reason. Because its requests are aimed at obtaining private information about a sitting Justice of the Supreme Court, they squarely implicate the separation of powers, which means the Committee’s investigation must satisfy a heightened standard in order to establish a valid legislative purpose for seeking the requested information. But the Committee makes no effort to meet that heightened standard.

Most importantly, the May 26 Letter mistakenly claims that the Committee’s requests do not implicate the separation of powers because they ask for the records of “private entities, not a coequal branch of government.” As a matter of both Supreme Court precedent and common sense, that distinction is irrelevant. “The Constitution does not tolerate such ready evasion; it ‘deals with substance, not shadows.’” *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2035 (2020) (quoting *Cummings v. Missouri*, 71 U.S. 277, 325 (1866)). When, as here, Congress is demanding information about the leadership of a coordinate branch of government, the request “present[s] an interbranch conflict no matter where the information is held.” *Id.* Those “separation of powers concerns are no less palpable . . . simply because the [Letter] w[as] issued to [a] third part[y].” *Id.* The Committee’s requests are plainly aimed at obtaining information about Justice Thomas and, accordingly, they trigger the heightened standards that apply to such interbranch investigations.

Those standards require that congressional requests be “no broader than reasonably necessary to support Congress’s legislative objective,” and that the Committee rely on other sources for the information it seeks if those “sources could reasonably provide [the Committee] the information it needs.” *Mazars*, 140 S. Ct. at 2035–36. The Committee is not

The Honorable Dick Durbin  
June 5, 2023  
Page 6

CONFIDENTIAL

entitled to every piece of conceivably relevant information, particularly where other sources are available to guide the Committee's work. The May 26 Letter makes no effort to explain how the Committee's requests satisfy these standards. Simply asserting that the information requested from Mr. Crow "could be helpful in our legislative effort," Senator Richard Durbin, Remarks on the Floor of the United State Senate (May 30, 2023), fails to meet the standards that govern when "separation of powers principles [are] at stake," *Mazars*, 140 S. Ct. at 2035. It is also apparent that the Committee has an abundance of information and other sources to draw upon to inform its legislative efforts without resorting to intrusive requests for details about Justice Thomas's private life. *See id.* at 2036 ("[E]fforts to craft legislation involve predictive policy judgments that are not hampered in quite the same way [as are criminal proceedings] when every scrap of potentially relevant evidence is not available." (quotations omitted)).

The May 26 Letter disclaims any inappropriate focus on Justice Thomas, based in part on work done in previous Congresses related to Supreme Court ethics. But the work of past Congresses is of limited relevance; what matters is what the Committee is doing today. On this point, the May 26 Letter is clear. It states that "[t]his year, ProPublica released not one, not two, but three different reports about unreported gifts or transactions Justice Thomas has received from or engaged in with [Mr. Crow]." No other Justice has been singled out by name for supposed ethics lapses. The focus of the Committee's inquiry is unmistakable, and appears designed to expose Justice Thomas's private affairs "for the sake of exposure." *Watkins v. United States*, 354 U.S. 178, 200 (1957). That does not qualify as a valid legislative purpose.

\* \* \*

The Senate Judiciary Committee has often served as a bulwark of constitutional values in our Republic. In the face of past efforts to undermine the Supreme Court's independence, this Committee committed itself to "maintaining inviolate the independence of the three coordinate branches of government." S. Rep. No. 75-711 at 16 (1937). Respectfully, we ask that the Committee Majority reassess the partisan course it is pursuing, which has no place under our Constitution.

Please feel free to have your staff contact me with any questions concerning this response and to set up a time to further discuss your requests.

Sincerely,



Michael D. Bopp

# Key Document K



RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 5, 2023

Harlan Crow  
Chairman of the Board  
Crow Holdings Securities, LLC  
3819 Maple Ave.  
Dallas, TX 75219

Dear Mr. Crow:

This letter responds to the proposal your counsel made on your behalf concerning the Senate Judiciary Committee's May 8 and May 26 requests for information related to the gifts of travel, luxury vacations, and other largesse you have provided to Justice Clarence Thomas or any other justice. While your counsel reiterated your belief, expressed in your May 22 and June 5 response letters, that the Committee lacks a valid legislative purpose to inquire into these matters, because separation-of-powers principles supposedly preclude Congress from regulating judicial ethics, he nonetheless proposed to provide a partial response to the Committee's questions.

The proposed partial response would only include information from the last five years. Within that limited time period, the proposed partial response would not include, as the Committee requested, an itemized list of all gifts, payments, and items of value exceeding \$415 or the names of individuals who have gained access to Justice Thomas through the transportation and lodging you have provided.

The proposed partial response would include information about: 1) the invitation process for lodging at Topridge Camp and transportation on the *Michaela Rose* yacht and the private jet; 2) if any justice's presence was made known to other guests in advance of any transportation or lodging; 3) if transportation or lodging was provided to all guests for free and/or the process for determining which guests paid; 4) the identity of any corporate entities that secured transportation or lodging from you when a justice was present and their process for doing so; 5) the transactions involved in the purchase of Justice Thomas's childhood home; and 6) which justices, if any, you invited to the Bohemian Grove private club and whether you paid for their lodging.

In exchange for this information, the Committee would have to forego any further inquiries into your dealings with Justice Thomas, preemptively waiving its Article I authority to even ask follow-up questions. This proposal was also made on behalf of the holding companies that own Topridge Camp, the *Michaela Rose* yacht, and the private jet, despite the fact that your counsel would not confirm the existence of an attorney-client relationship with those parties.

We cannot agree with this proposal for the following reasons.

As the May 26 letter from Chair Durbin and Subcommittee Chair Whitehouse makes clear, there is simply no merit to your arguments that the Committee's requests are outside of its oversight authority or that they violate the separation of powers. Your position is at odds with basic separation-of-powers principles favoring checks and balances and rejecting the "archaic view of the separation of powers as requiring three air-tight departments of government."<sup>1</sup> Moreover, your argument is especially unreasonable in the government ethics context, given that the Judicial Conference is a creation of Congress, a number of longstanding judicial ethics-related laws have been passed by Congress, and the Court has adhered to those laws without complaint in multiple instances.

Additionally, the ethical lapses of Supreme Court justices, including the well-documented undisclosed gifts that Justice Thomas has accepted from you over two decades, go well beyond five years. For the past 25 years, you have also hosted Justice Thomas at the private, all-male retreat known as Bohemian Grove, where he stayed in a camp with you and the architects of one of the largest, most influential political apparatuses in recent history—Charles Koch and the late David Koch.<sup>2</sup> Furthermore, recent reporting indicates that in 2009, well outside of the five-year period you proposed, you may have engaged in other efforts to influence the Court through Justice Thomas's wife, Ginni Thomas.<sup>3</sup>

Receiving only partial responses during this arbitrary time period is insufficient to inform the Committee's ongoing legislative efforts. Parties with matters before the Court continue to take advantage of access to justices made possible by both disclosed and undisclosed transportation, lodging, and other gifts.<sup>4</sup> For the Committee to ensure that legislation is appropriately tailored to address this ethical crisis, we must have a comprehensive understanding of the types of gifts provided and how this access is used. Five years of information is unreasonable in light of this pressing need, especially considering public reporting that details your gifts to Justice Thomas going back at least 25 years.<sup>5</sup>

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<sup>1</sup> *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977) (internal quotation marks omitted).

<sup>2</sup> Joshua Kaplan, Justin Elliott, & Alex Mierjeski, *Clarence Thomas Secretly Participated in Koch Network Donor Events*, PROPUBLICA (Sep. 22, 2023).

<sup>3</sup> Heidi Przybyla, *What Ginni Thomas and Leonard Leo wrought: How a justice's wife and key activist started a movement*, POLITICO (Sep. 10, 2023).

<sup>4</sup> See e.g., Letter from Senators Richard J. Durbin and Sheldon Whitehouse to Chilton Davis Varner, President, Supreme Court Historical Society (Jul. 11, 2023); Letter from Senators Sheldon Whitehouse and Richard J. Durbin to Paul Singer, President, Elliott Investment Management LP (Jul. 11, 2023); Letter from Senators Sheldon Whitehouse and Richard J. Durbin to Robin Arkley II, President, Security National Master Holding Company LLC (Jul. 11, 2023); Letter from Senators Sheldon Whitehouse and Richard J. Durbin to Leonard Leo, Chairman, CRC Advisors (Jul. 11, 2023).

<sup>5</sup> See e.g., Joshua Kaplan, Justin Elliott, & Alex Mierjeski, *Clarence Thomas Secretly Participated in Koch Network Donor Events*, PROPUBLICA (Sep. 22, 2023); Joshua Kaplan, Justin Elliot, & Alex Mierjeski, *Clarence Thomas and the Billionaire*, PROPUBLICA (April 6, 2023); Mike McIntire, *Friendship of Justice and Magnate Puts Focus on Ethics*, N.Y. TIMES (June 18, 2011).



If you would like the Committee to consider a renewed offer that takes into account these concerns, you are free to make one by October 19, 2023.

Sincerely,



Richard J. Durbin  
United States Senator



Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator



Richard Blumenthal  
United States Senator



Peter Welch  
United States Senator



Alex Padilla  
United States Senator



Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Christopher A. Coons  
United States Senator



Jon Ossoff  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

# Key Document L

**CONFIDENTIAL**

October 19, 2023

VIA ELECTRONIC MAIL

The Honorable Dick Durbin, Chairman  
U.S. Senate Committee on the Judiciary  
221 Dirksen Senate Office Building  
Washington, DC 20510

Re: Response to October 5, 2023, Letter to Harlan R. Crow

Dear Chairman Durbin:

We write on behalf of Harlan Crow in response to your letter of October 5, 2023 (“October 5 Letter”), which (after a delay of several months) rejected our offer to produce a significant amount of information responsive to the questions contained in the Committee’s original request of May 8, 2023. The Committee seeks a trove of information from decades ago about Mr. Crow’s friendship with Justice Clarence Thomas. As we have explained before, these requests are improper, and exceed the Committee’s investigative authority under the Constitution. Nothing in the October 5 Letter changes that conclusion.

Good faith cooperation in the course of this inquiry cannot be a one-way street. Mr. Crow made a fair and reasonable offer to assist the Committee and satisfy its desire for information, even though we do not believe the Committee’s requests are legitimate. And we remain willing to cooperate with the Committee. But the Committee has not reciprocated Mr. Crow’s good faith efforts. In fact, the Committee took nearly four months to reject our offer to provide it with extensive information responsive to its requests, and did so without addressing the numerous concerns we have raised about the nature and scope of this inquiry. Despite its own protracted delay, the Committee then gave Mr. Crow only two weeks to respond to the Committee’s renewed demands.

We have indulged the Committee’s effort to probe irrelevant and long-past details of Mr. Crow’s personal relationship with Justice Thomas, in spite of the evident lack of legal justification and questionable need for the Committee’s invasive inquiry. But the October 5 Letter’s explanations for why the offer we made is allegedly inadequate only strengthen our view that the Committee is pursuing ends that are unconnected to Committee business through means that are beyond its authority. The Committee insists that it needs 25 years’ worth of information about Mr. Crow’s friendship with Justice Thomas, but it is obvious that much of the information the Committee seeks is of little or no relevance to the purported legislative

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effort to enact forward-looking ethics standards for the Supreme Court, and in any event is already publicly available. Further, the bill the Committee wishes to enact and in support of which its inquiries are supposedly made has already been reported out of the Committee with the unanimous support of Committee Democrats, which further confirms the absence of any real need for the requested information. The Committee's decision to focus on Mr. Crow while ignoring other and more relevant sources of information similarly calls into question the purpose of this inquiry.

**There is No Lawful Basis for The Committee's Inquiry**

The position we have explained in our previous letters is unchanged, and unrebutted: There is no lawful basis for the Committee's inquiry. The Committee may only investigate "area[s] where legislation may be had." *Eastland v. U. S. Servicemen's Fund*, 421 U.S. 491, 506 (1975). For at least two reasons, any law Congress enacted to impose an ethics code on the Supreme Court would be unconstitutional, which necessarily means that any investigative actions the Committee takes in support of drafting such legislation are also unlawful. *See Quinn v. United States*, 349 U.S. 155, 161 (1955).

First, the Constitution does not "confer[] upon Congress . . . all governmental powers, but only discrete, enumerated ones." *Printz v. United States*, 521 U.S. 898, 919 (1997). A congressional act that is not authorized by any enumerated power is therefore unconstitutional. *See United States v. Morrison*, 529 U.S. 598, 607 (2000). And there is no enumerated power under which Congress can regulate ethics standards and recusal decisions at the Supreme Court. *See* U.S. Const. art. I, § 2, cl. 5; *id.* art. III, § 2, cl. 2. Second, even were Congress authorized to regulate the internal workings of the Court to some extent, the imposition of an ethics standard on the Justices would violate the "sacred [principle] . . . that . . . separates the legislative . . . and judicial power." *Myers v. United States*, 272 U.S. 52, 116 (1926) (quoting 1 Annals of Congress 581 (1791)). Specifically, by requiring the Court to adopt an ethics code, Congress would be improperly "prescrib[ing]" the manner in which the Court exercises its judicial powers. *United States v. Klein*, 80 U.S. 128, 146–47 (1871). That level of control by Congress over the Court is "radically inconsistent with the independence of th[e] judicial power." *Hayburn's Case*, 2 U.S. 408, 410 (1792). Additionally, the legislation the Committee wishes to enact would "impair [the Court] in the performance of its constitutional duties," by exposing it to coercive pressure and political influence. *Loving v. United States*, 517 U.S. 748, 757 (1996).<sup>1</sup> Thus, Congress may neither "arrogate power to itself," nor "impair another in

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<sup>1</sup> In particular, were Congress to enact an ethics standard, the standard would serve as an implicit threat to the Justices that, unless they decide cases the way Congress prefers, the standard might be amended, and made more onerous. Likewise, any mechanism for enforcing the standard would also leave the Justices vulnerable to political

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the performance of its constitutional duties,” and a law imposing ethics rules on the Court would do both. *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 500 (2010).

The Committee provides no meaningful response to these objections. Instead, as to our separation of powers concerns, the October 5 Letter rehashes points that we have already addressed in prior correspondence. The Letter notes that the Judicial Conference is a creation of Congress, which ignores the plain and critical distinction (as we have explained) that exists between Congress’s power over lower federal courts versus the Supreme Court. *See* U.S. Const. art. I, § 8, cl. 9; *Sheldon v. Sill*, 49 U.S. 441 (1850). The Letter observes that Congress has passed laws that purport to regulate Supreme Court ethics before, but that is no answer to the fact that the Supreme Court has never ruled on the constitutionality of such legislation and our point that “[p]ast practice does not, by itself, create power.” *Dames & Moore v. Regan*, 453 U.S. 654, 686 (1981). As to our argument regarding the lack of any enumerated power authorizing the legislation the Committee seeks to enact, the October 5 Letter does not even attempt to identify any such authority. Finally, the Committee also leaves unanswered the point that its inquiry lacks a valid legislative purpose because the actual motivation behind the inquiry is to harass Justice Thomas, and “expose for the sake of exposure.” *Watkins v. United States*, 354 U.S. 178, 200 (1957).

**The October 5 Letter Underscores the Impropriety of the Committee’s Requests**

Despite these serious and unaddressed objections to the Committee’s inquiry, we have offered to provide a substantial quantity of information that is responsive to the Committee’s requests. The Committee’s reasons for rejecting that offer as insufficient are not persuasive. Simply put, the Committee’s continued demands for extensive, burdensome, and intrusive personal information lack any meaningful, logical connection to the aims the Committee claims to be pursuing. And the fact that there is ample information equally or more probative to these claims that the Committee is not pursuing casts doubt on the stated reasons for this probe in the first place.

We have expressed, and continue to express, our willingness to cooperate with the Committee. But we believe that the Committee’s burdensome and legally ungrounded requests cannot be seriously entertained when we have nothing more than the Committee’s say-so that

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retaliation, either from an executive branch prosecutor, or even from members of the public empowered to file frivolous ethics complaints. The interference with the Court’s functions is obvious. Moreover, these concerns show why Committee’s reliance on *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977), is misplaced. Our position is not at odds with the Court’s warning against taking an “archaic view of the separation of powers as requiring three air-tight departments of government.” *Id.* Quite the opposite, our concerns are grounded in the Court’s holding that the separation of powers is violated where Congress’s actions “unduly disrupt[]” another branch’s ability to “accomplish[] its constitutionally assigned functions.” *Id.*

The Honorable Dick Durbin  
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satisfaction of the requests is necessary for the Committee to fulfill its legislative function. The timing, status, and substance of this inquiry all belie the reasons given in the October 5 Letter for why Mr. Crow must acquiesce to the Committee's requests.

To begin, the centerpiece of the Committee's legislative efforts concerning Supreme Court ethics matters—in support of which the inquiry into Mr. Crow's personal relationship with Justice Thomas was launched—is S. 359, the Supreme Court Ethics, Recusal, and Transparency ("SCERT") Act of 2023. Senator Whitehouse has referred to the SCERT Act as "comprehensive judicial ethics legislation." Senator Sheldon Whitehouse, Remarks at Executive Meeting of Senate Judiciary Committee (July 20, 2023). Likewise, Chairman Durbin has said that the "solution to the problems we're seeing at the Supreme Court is a simple one. They need . . . to adopt an enforceable code of ethics," and the SCERT Act "would require the Supreme Court to adopt an enforceable code of conduct." Senator Richard Durbin, Remarks on the Floor of the United State Senate (July 12, 2023). According to the representations of these leading members of the Committee, therefore, the SCERT Act is the fulfillment of Chairman Durbin's commitment that, "[s]ince the Court won't act, Congress will." Senator Richard Durbin, Press Release: Durbin, Whitehouse Announce July 20 Vote in Senate Judiciary Committee on Supreme Court Ethics, Recusal, and Transparency Act (July 10, 2023).

The Committee has now acted on the bill. On July 20, 2023, by an 11-10 party-line vote, the Committee reported the SCERT Act to the full Senate. *See* Supreme Court Ethics, Recusal, and Transparency Act of 2023, S. 359, 117th Cong. (as reported by S. Comm. on the Judiciary, Sept. 5, 2023) (hereinafter S. 359). It is therefore difficult to credit the Committee Democratic Members' belated claim that they need to gather more information to help craft legislation on this topic, since the Committee's leadership has already admitted that the issue of Supreme Court ethics is comprehensively addressed by S. 359, which is already outside of its jurisdiction. *See* Senate Rule XIV. The Committee's legislate first, investigate later approach to lawmaking gets things exactly backwards, and serves only to confirm our view that the Committee is not acting with a valid legislative purpose. *See Eastland*, 421 U.S. at 504. Pursuing an inquiry in support of a bill that is no longer pending before the Committee can only mean either that the bill as reported (with the support of all Democratic Committee members) was ill-informed, or that the Committee's inquiry is not actually being conducted in service of a legitimate legislative effort. Neither explanation provides a sound basis for the Committee to belatedly press Mr. Crow—who offered the Committee meaningful responses to their questions more than a month before the July 20 markup—for information allegedly needed to help write a bill that is already written, as part of a legislative project that, according to the representations of Committee leadership, is already completed.

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The Committee's insistence that 25 years' worth of information is essential to their inquiry is equally unsubstantiated. Any legitimate inquiry would necessarily account for the fact that, with the passage of time, "evidence [is] lost, memories . . . fade[]," and information becomes "stale." *Gabelli v. S.E.C.*, 568 U.S. 442, 448 (2013). Our offer of information going back five years was entirely reasonable, and consistent with the judgment Congress itself made about the appropriate limitations period for disclosures under the Ethics in Government Act. *See* 28 U.S.C. § 2462 (five-year statute of limitations). There is nothing arbitrary about relying on this five-year period to limit the scope of our responses to the Committee's inquiry. To the contrary, what is arbitrary is the Committee's insistence on reviewing information from decades ago, which, even if available, would, due to its age, almost certainly be "plainly incompetent or irrelevant" to the Committee's declared purpose. *Senate Select Comm. on Ethics v. Packwood*, 845 F. Supp. 17, 21 (D.D.C. 1994). It is settled that Congress does not need "every scrap of potentially relevant evidence" to "craft legislation," yet that and more is what the Committee demands here. *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2036 (2020).

Other aspects of the Committee's inquiry similarly cast doubt on its legitimacy. It is clear that the Committee is not focused exclusively, or even primarily, on the Justices' disclosures of gifts and hospitality. For example, the SCERT Act's most significant provisions would impose a comprehensive code of conduct on the Justices, and force the Justices to recuse in certain cases. *See* S. 359 §§ 2, 4. Those provisions would apply irrespective of any disclosure obligations. *See id.* And statement after statement from Democratic members of the Committee confirm that the Committee's concerns center more on supposed improper access by individuals with business or interests pending before the Court than on the disclosure of gifts. *See, e.g.*, Senator Sheldon Whitehouse, Remarks at Executive Meeting of Senate Judiciary Committee (July 20, 2023) (describing the SCERT Act as a safeguard against a supposed "Court-capture scheme"). The October 5 letter also asserts that concern about "[p]arties with matters before the Court . . . tak[ing] advantage of access to justices" is foremost among the objects of the Committee's attention.

Given this focus, the thrust of the Committee's questions, and its insistence that Mr. Crow answer them without limitation, are puzzling, to say the least. We have already stressed to Committee staff that Mr. Crow's personal friendship with Justice Thomas is just that, and only that. When the two men travel together or socialize, they do not discuss business pending before the Court. Nor does Mr. Crow invite others to attend social outings with Justice Thomas in order to expose Justice Thomas to the entreaties of people with a stake in the cases the Court decides. The notion that either Mr. Crow or Justice Thomas would even consider using their time together for any such purpose is baseless and offensive. Thus, the Committee is seeking to double-down on its burdensome requests directed to a private individual who has nothing of substance to tell the Committee that is relevant to the stated focus of their inquiry.



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Moreover, by the Committee's own admission, much of the information it seeks has already been publicly reported.

The misalignment between the Committee's professed objectives and its excessive requests to Mr. Crow is particularly striking in light of the potential sources of information that the Committee has *not* chosen to target. If the Committee were truly concerned about litigants, or more broadly entities or individuals who have an interest in the Court's work, gaining improper access to the Justices, its resources would be more productively employed investigating the large number of conferences and gatherings and other events, both disclosed and undisclosed, that the Justices attend where any member of the legal or business community with interests in or matters pending before the Court can engage with the Justices over coffee breaks or cocktails on any matter they choose. The common theme is that these sidebars, casual conversations, and informal meetings are themselves *all undisclosed*. Focusing on interactions between personal friends with no business before the Court instead of these kinds of frequent undisclosed meetings that occur at publicly disclosed conferences attended by actual litigants or other people who have interests in the Court's work makes no sense. Rather than conducting a general inquiry regarding past and present Supreme Court Justices' practices in this area, the Committee has singled out Justices Thomas and Alito for these intrusive inquiries, making it hard not to conclude that the Committee is acting out of partisan rancor, not in pursuit of a legitimate legislative objective.

In fact, since our last correspondence, the Committee has only deepened its focus on Republican-appointed Justices to the exclusion of Democrat-appointed Justices, sending additional letters to friends of Justices Thomas and Alito. The "underinclusiveness" of the Committee's inquiry raises serious "doubts about whether the [Committee] is in fact pursuing the interest it invokes." *Brown v. Ent. Merchants Ass'n*, 564 U.S. 786, 802 (2011).

It is also not lost on us that the Committee let its inquiry languish for nearly four months before responding to our offer. Our last formal correspondence with the Committee was transmitted on June 5, and our offer to produce a significant amount of responsive information followed on June 12. The Committee's lengthy delay in responding occurred despite Chairman Durbin's past insistence that the need for Supreme Court ethics reform is urgent, and that the "Supreme Court needs to clean up its act and fast." Senator Richard Durbin, Remarks on the Floor of the United State Senate (April 18, 2023).

Moreover, the timing of the Committee's belated attempt to reactivate its investigation could not be more telling. The Committee's latest demand for information—and its reckless and baseless allegations of impropriety, including that Mr. Crow "may have engaged in . . . efforts to influence the Court through Justice Thomas's wife, Ginni Thomas"—were sent, with accompanying press statements, on October 5, two days after the Supreme Court came back



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into session from its summer recess and commenced its October 2023 term. It appears that, far from being driven by any urgent need for information to guide its lawmaking activities, the Committee's actions are timed to coincide with whenever the Supreme Court is most likely to be in the headlines, and therefore most likely to help draw attention to the Committee's accusations of misconduct. *Cf. Reyes-Orta v. Puerto Rico Highway & Transp. Auth.*, 811 F.3d 67, 78 (1st Cir. 2016) (holding that unusual "timing" of government action may demonstrate improper "politicized" motivation).

In short, the Committee's proffered rationales for its belatedly renewed demands for information cannot be reconciled with the substance of those demands. The Committee's inquiry is allegedly urgent, but it lay dormant for nearly four months. The inquiry is purportedly necessary for the Committee to craft the SCERT Act, but the SCERT Act has already been reported out of Committee. The inquiry is supposedly focused on concerns about improper access to the Justices by parties with matters before the Court, but it ignores the most pertinent sources of information that could shed light on that subject. From every angle, it is clear that the requests directed to Mr. Crow lack any legitimate legislative purpose.

Against this backdrop, the only reasonable conclusion is that the Committee's inquiry seeks to advance aims that are nakedly political. Among other things, Committee Democrats appear intent on using the inquiry to browbeat and harass Justice Thomas in an effort to coerce him into stepping aside in upcoming, high-profile cases where his judicial philosophy may not coincide with the Committee majority's political preferences. Chairman Durbin, for example, has called on Justice Thomas to recuse himself from *Loper Bright v. Raimondo*, which could be one of the most consequential administrative law cases decided by the Court in recent memory. *See* Senator Richard Durbin, Press Release: Durbin Calls for Justice Clarence Thomas to Recuse Himself from *Loper Bright v. Raimondo* in Upcoming Supreme Court Term (Sept. 22, 2023). Other members of the Committee majority have used this investigation to raise money for their reelection campaigns. *See* Patrick Hauf, *Senate Dems target Clarence Thomas in fundraising emails: 'We cannot lose momentum'*, Fox News (May 7, 2023) ("Four Senate Democrats sent fundraising emails Friday to capitalize on allegations that Supreme Court Justice Clarence Thomas took gifts from a GOP mega-donor friend [Harlan Crow]."). One recent fundraising email tells prospective donors that "our judiciary system has been hijacked by the far-right," and gives as an example "the recent revelation that Justice Clarence Thomas has been accepting undisclosed luxury trips and other favors from GOP megadonor Harlan Crow," before it asks donors to "chip in \$10 now" in order to "continue this fight."<sup>2</sup>

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<sup>2</sup> Email from Cory Booker for Senate (May 18, 2023).

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“Investigations conducted solely for the personal aggrandizement of the investigators or to ‘punish’ those investigated are indefensible.” *Watkins*, 354 U.S. at 187. Despite the invalidity of the Committee’s inquiry, and its lack of a legitimate legislative purpose, we extended a good-faith offer to provide information to meet the Committee halfway. The Committee’s reasons for rejecting that offer suggest with little room for error that the inquiry is spurred by partisan motives and a desire to “expose for the sake of exposure” details of Mr. Crow’s and Justice Thomas’s private lives. *Id.* at 200.

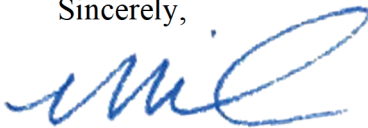
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The Committee’s every action in the course of this inquiry has had the likely effect of undermining the “public confidence” in the Supreme Court that is “vital to the functioning of the Judicial Branch.” *Raines v. Byrd*, 521 U.S. 811, 83 (1997) (Souter, J., concurring). As we have explained, this inquiry appears calculated to target and intimidate Justice Thomas by unearthing details about his private life that the Committee evidently believes will embarrass him and inflict public humiliation. A more foursquare effort to undermine public faith in our judicial institutions is hard to imagine.

When it reported the SCERT Act out of Committee, the Committee included (after protracted equivocation) a provision that condemned politicized and racially charged statements by elected officials that are meant to “humiliate, punish, and demean Justice Thomas.” S. 359 § 10(a)(10). The Committee would do well to heed its own words and promptly conclude this partisan investigation.

Please feel free to have your staff contact me with any questions concerning this response and to set up a time to further discuss your requests.

Sincerely,



Michael D. Bopp

# Key Document M

RICHARD J. DURBIN, ILLINOIS, CHAIR

SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT  
LAPHONZA R. BUTLER, CALIFORNIA

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 4, 2024

Harlan Crow  
Chairman of the Board  
Crow Holdings Securities, LLC  
3819 Maple Ave.  
Dallas, TX 75219

Dear Mr. Crow:

On November 30, 2023, the Senate Judiciary Committee authorized me to seek compulsory process for information responsive to the Committee's May 8, May 26, and October 5 requests related to the gifts of travel, luxury vacations, and other largesse you and your holding companies have provided to Justice Clarence Thomas or any other justice. I write to seek your voluntary compliance one final time before exercising that authority.

As you know, the Committee previously declined to accept your proposed partial response to the Committee's requests because (1) it was arbitrarily limited to the last five years, despite extensive reporting that Justice Thomas has received a variety of undisclosed gifts from you over the past 25 years; and (2) you would only provide this partial response on the condition that the Committee preemptively agrees to forego its Article I authority to pursue further inquiries into your dealings with Justice Thomas.

In your October 19 letter to the Committee, you declined to fully comply with the Committee's request and argued that the Committee no longer had a "need to gather more information to help craft legislation on this topic" because the Committee had already reported the *Supreme Court Ethics, Recusal, and Transparency Act* to the full Senate. This contention fundamentally misstates how the legislative process functions. Legislation can be, and frequently is, revised up until enactment, incorporating new information at every stage, whether in Committee, on the floor, or in conference committee to resolve differences between House and Senate bills. For that reason, Congress often pursues information to strengthen legislation throughout the legislative process. After enactment, Congress continues to conduct oversight on the efficacy of legislation to determine if and when it needs to be amended or repealed.

This Committee remains committed to ensuring that legislation is appropriately tailored to address the ethical crisis the Supreme Court is facing. While the Court's adoption of the first code of conduct in its history is a welcome step, the Court itself acknowledges that "for the most part, these rules are not new." This is a significant problem, because the Court's previous ethics practices were plainly inadequate. In particular, the lack of a meaningful enforcement mechanism in the code of conduct demonstrates the need for congressional action to ensure the justices' ethical conduct and restore public faith in the Court.

Your gifts to Justice Thomas, their nature, the manner in which they were received, and the resulting private access to the Justice and his family are at the heart of this issue. Therefore, you are uniquely situated to provide the Committee with the information it needs to ensure that any ethics legislation works as intended

for all parties, including all nine justices, regardless of the political party of the President who appointed them.

Please contact my staff with a renewed offer that takes into account the concerns the Committee set forth the October 5 letter. If you do not voluntarily provide a satisfactory response to the Committee's requests by January 25, I will issue subpoenas to you and your three holding companies pursuant to the authority granted to me by the Committee.

Sincerely,

A handwritten signature in blue ink, reading "Dick Durbin", is positioned above a horizontal line.

Richard J. Durbin

Chair

cc: The Honorable Lindsey O. Graham  
Ranking Member

Key Document N

RICHARD J. DURBIN, ILLINOIS, CHAIR

SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE K. HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT  
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LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 16, 2024

Ian McConnel  
Corporation Service Company  
Registered Agent  
Topridge Holdings, LLC  
251 Little Falls Dr.  
Wilmington, DE 19808

Susan K. Jackman  
Director  
Topridge Holdings, LLC New York Branch  
80 State St.  
Albany, NY 12207

Dear Mr. McConnel and Ms. Jackman:

I write to provide you with the enclosed letter that I sent to Harlan Crow pursuant to the subpoena authority the Senate Judiciary Committee authorized on November 30, 2023. I am providing a final opportunity for voluntary compliance with the Committee's requests to Topridge dated May 8, May 26, and October 5, 2023. If Topridge does not voluntarily provide a satisfactory response to the Committee's requests by January 25, I will issue a subpoena for that information.

Thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin

Chair

cc: The Honorable Lindsey O. Graham  
Ranking Member

Enclosures: 1

# Key Document O



RICHARD J. DURBIN, ILLINOIS, CHAIR

SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
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MAZIE K. HIRONO, HAWAII  
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CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 16, 2024

Michael Levy, President  
CH Asset Company  
Registered Agent  
HRZNAR LLC  
3819 Maple Ave.  
Dallas, TX 75219

Dear Mr. Levy:

I write to provide you with the enclosed letter that I sent to Harlan Crow pursuant to the subpoena authority the Senate Judiciary Committee authorized on November 30, 2023. I am providing a final opportunity for voluntary compliance with the Committee's requests to HRZNAR LLC dated May 8, May 26, and October 5, 2023. If HRZNAR LLC does not voluntarily provide a satisfactory response to the Committee's requests by January 25, I will issue a subpoena for that information.

Thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin

Chair

cc: The Honorable Lindsey O. Graham  
Ranking Member

Enclosures: 1

# Key Document P

RICHARD J. DURBIN, ILLINOIS, CHAIR

SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
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TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 16, 2024

Lisa Johnston, Operations Director  
Carey Commercial Ltd.  
Registered Agent  
Rochelle Marine Ltd.  
1<sup>st</sup> and 2<sup>nd</sup> Floors, Elizabeth House  
Les Ruettes Brayes, St. Peter Port, Guernsey  
Channel Islands GY1 1EW

Dear Ms. Johnston:

I write to provide you with the enclosed letter that I sent to Harlan Crow pursuant to the subpoena authority the Senate Judiciary Committee authorized on November 30, 2023. I am providing a final opportunity for voluntary compliance with the Committee's requests to Rochelle Marine LTD dated May 8, May 26, and October 5, 2023. If Rochelle Marine LTD does not voluntarily provide a satisfactory response to the Committee's requests by January 25, I will issue a subpoena for that information.

Thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin  
Chair

cc: The Honorable Lindsey O. Graham  
Ranking Member

Enclosures: 1

# Key Document Q

**CONFIDENTIAL**

January 25, 2024

VIA ELECTRONIC MAIL

The Honorable Dick Durbin, Chairman  
U.S. Senate Committee on the Judiciary  
221 Dirksen Senate Office Building  
Washington, DC 20510

Re: Response to January 4, 2024, Letter to Harlan R. Crow

Dear Chairman Durbin:

We write on behalf of Harlan Crow in response to your letter of January 4, 2024, which states that it offers Mr. Crow a final opportunity to voluntarily comply with the Committee's requests for decades worth of information about Mr. Crow's friendship with Justice Clarence Thomas. Please note that we also are responding on behalf of CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC. Notwithstanding the offer Mr. Crow made more than half a year ago to provide substantial information responsive to many of the Committee's requests, the latest letter threatens compulsory process. But the Committee's purported authorization of a subpoena to Mr. Crow is invalid on multiple grounds, and even if it were not, it would do nothing to change our position that these requests are improper and exceed the Committee's investigative authority under the Constitution. Our objections to this investigation on the basis of the separation of powers, the Necessary and Proper Clause, and the Committee's lack of a valid legislative purpose remain, and would bar the enforcement of any subpoena that the Committee might issue, even if proper authorization procedures had been complied with (which here they plainly were not).<sup>1</sup>

As we have said in previous correspondence, notwithstanding the multiple legal infirmities in the Committee's requests, we remain willing to engage with the Committee in good faith. And we are available to discuss what the Committee may regard as a fair and

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<sup>1</sup> We will not rearticulate our constitutional concerns here in detail, and we refer the Committee to our correspondence of May 22, 2023, June 5, 2023, and October 19, 2023 on the subject.

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reasonable accommodation by Mr. Crow of the Committee’s asserted interests, taking into account the concerns we have raised before about the scope and validity of this investigation.<sup>2</sup>

As you know, the subpoena authorization was obtained only after the Committee committed three distinct and independently fatal violations of Committee and Senate rules. Those violations substantially undermined the Committee’s ability to engage in full and reasonable deliberations about the purpose and scope of its investigation before it voted to authorize the subpoenas. The violations are thus not only fatal procedural violations, but also egregious deprivations of the important safeguards that protect the target of a congressional investigation from arbitrary and unfair investigative acts. Consequently, for the reasons discussed below, the subpoenas, if issued, would be patently invalid and unenforceable.

\* \* \* \* \*

**The Committee Majority Violated Three Committee Rules During the November 30 Meeting**

The Constitution vests legislative power, including the power to investigate, in the Senate and House of Representatives—not in congressional committees. *See* U.S. Const. art. I, § 1; *McGrain v. Daugherty*, 273 U.S. 135, 173–74 (1927). Accordingly, the “theory of a committee inquiry is that the committee members are serving as the representatives of the parent assembly in collecting information for a legislative purpose.” *Watkins v. United States*, 354 U.S. 178, 200 (1957); *see also United States v. Am. Tel. & Tel. Co.*, 551 F.2d 384, 393 (D.C. Cir. 1976) (“Congress may delegate its investigatory and subpoenaing power to its committees and subcommittees.”). Likewise, the Constitution grants the Senate—not Senate committees—the authority to “determine the Rules of its Proceedings.” U.S. Const. art. I, § 5, cl. 2.

Thus, “[a]ll Senate committees are creatures of the Senate, and their powers, duties, and responsibilities are determined by the Senate.” Riddick’s Senate Procedure at 382. Because the Committee possesses no independent authority beyond that delegated by the Senate, to “issue a valid subpoena . . . [the] committee . . . must conform strictly to the resolution establishing its investigatory powers.” *Exxon Corp. v. F.T.C.*, 589 F.2d 582, 592 (D.C. Cir. 1978).

Senate Rule XXVI authorizes the Senate Judiciary Committee “to require by subpoena . . . the production of . . . correspondence, books, papers, and documents.” Senate

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<sup>2</sup> We stress that the supposed authorization to issue subpoenas purportedly granted by the Committee Majority on November 30, 2023 has no bearing on what we regard as a reasonable accommodation, and the threat of an invalid subpoena does not affect the extent of our willingness to cooperate with the Committee.

Rule XXVI(1). The Rule also directs the Committee to “adopt rules . . . governing [the Committee’s] procedure[s].” *Id.* The Committee has done so, including by adopting a rule that provides for the authorization of a subpoena either by an agreement between the Chairman and Ranking Member or “by a vote of the Committee.” Committee Rule IX. Further, in order to bring a matter to a vote, the Committee must first pass a motion to end debate on the matter, which may be accomplished only “if the motion . . . passes with eleven votes in the affirmative, one of which must be cast by the minority.” Committee Rule IV. Additionally, the Committee may transact business only if “[n]ine Members of the Committee, including at least two Members of the minority” are present. Committee Rule III(1). Senate Rules further limit when the Committee may transact business by providing that “no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced.” Senate Rule XXVI(5)(a).

This is the procedural framework to which the Committee must “conform strictly” when it seeks to exercise its delegated subpoena authority. *Exxon*, 589 F.2d at 592. Instead of doing so, however, the Committee complied with none of these rules, committing three distinct and independently significant rule violations when it voted to authorize the subpoenas at the November 30 meeting. Each violation, on its own, is sufficient to render any subpoenas issued pursuant to the November 30 authorization invalid.

### **The Two-Hour Rule**

To begin, the Committee voted on the subpoena authorization after 12:00 p.m. on November 30, which violated the Senate’s Two-Hour Rule’s prohibition on committees conducting business after two hours have elapsed from when the Senate convenes on a given day. *See* Senate Rule XXVI(5)(a). In so doing, the Committee violated not only the letter but also the purpose of the rule, which is to promote “closer concentration on committee work” during certain periods of the day, while also encouraging “fuller attendance on the floor” at other times. U.S. Senate Special Committee on the Organization of Congress, Report to Accompany S. 2177, S.Rept. 1400 (May 31, 1946). The subpoena authorization is therefore “null, void, and of no effect.” Riddick’s Senate Procedure at 406.

We do not understand the Committee to dispute the rule’s applicability to the consideration of a subpoena authorization. Indeed, during a hearing the week after the November 30 meeting, Chairman Durbin informed Senator Blackburn that the reason why the Committee had not considered her various amendments to the subpoena authorization resolution was because “the two hour rule [had been] invoked.” Politico, Transcript of Senate Judiciary Committee Hearing on FBI Oversight (Dec. 5, 2023). But the rule, of course, applies equally to action on amendments to the authorization and action on the authorization itself.

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In a recent press statement, the Committee attempted to obviate this violation by disputing the precise timing of the authorization vote, raising irrelevant questions about the Republicans' motives for invoking the rule, and obscuring the importance of the rule to how the Senate operates. *See* Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>. But none of those arguments is sound, and none changes the fact that the vote to authorize the subpoena came after the two-hour mark.

The official Daily Digest for the Senate on November 30, 2023 records the time at which the Senate convened as 10:00 a.m. *See* Government Publishing Office, Senate Daily Digest (Nov. 30, 2023). That is confirmed by the video transcript of Senate floor proceedings on November 30 available on the official Senate website, which marks the moment at which the presiding officer called the Senate to order at just shy of 10:00 a.m. The Committee's assertion in its press statement that the Senate did not convene until 10:01 a.m. is thus flatly contradicted by multiple official and authoritative sources. *See* Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>.<sup>3</sup>

Indeed, the Committee's attempts to obfuscate the true time at which the Senate convened on November 30 suggests that it is fully aware that it did not hold the authorization vote before 12:00 p.m. Moreover, the timing of the vote is confirmed by the official Senate video transcript of the November 30 meeting, which shows that Chairman Durbin did not call the roll until after noon had struck, and that the vote did not conclude until after 12:02 p.m. Under these circumstances, the only proper course would have been to immediately suspend Committee action as soon as the two-hour mark had been reached, and, if possible, reconvene at a later time, as previous Committee chairmen have done. *See, e.g.*, Congressional Quarterly, Transcript of Senate Judiciary Committee Mark Up (April 28, 2005) (showing that Chairman Specter and Senator Feinstein immediately suspended their colloquy during a Committee meeting after the two-hour mark had been reached and reconvened later in the day once the Senate was no longer in session). By instead moving forward with the vote, Chairman Durbin ensured that the authorization is irretrievably "null, void, and of no effect." Riddick's Senate Procedure at 406.

Equally inaccurate and irrelevant is the Committee's insistence in its press statement that the Two Hour Rule is "obscure and infrequently used." Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>.

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<sup>3</sup> If an enforcement action were to be brought, the contents of the Daily Digest of the Senate would likely carry near-dispositive weight with the court. *See N.L.R.B. v. Noel Canning*, 573 U.S. 513, 551 (2014) ("We generally take at face value the Senate's own report of its actions.").



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[ethics-reform](#). In actuality, the Congressional Research Service has identified at least 19 occasions between 1985 and 2017 when the Rule was invoked to halt Senate Judiciary Committee activity, meaning that the Rule was used on average during that period approximately once every 1.6 years, or more than once during each two-year session of Congress. *See* Congressional Research Service, The Senate “Two-Hour Rule” Governing Committee Meeting Times, R45170 at 6–15 (April 20, 2018). And as noted, the rule is by no means obscure—it was created to advance the important goal of improving the deliberative activity of Senate committees. Nor would purported obscurity validate a subpoena authorized in violation of the rule; the Committee’s authority is strictly limited by the scope of the Senate’s delegation, and the Committee is therefore bound by the Two-Hour Rule as long as it remains a part of the Senate’s Rules.<sup>4</sup>

Likewise, the Committee’s claim that the Republicans’ invocation of the rule “prov[ed] they had no intention of ever voting on their own amendments” is inaccurate, and also irrelevant. Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>. For one thing, the reason for invoking the rule is immaterial to the rule’s application. *See* 97 Cong. Rec. 28801 (Dec. 6, 1982) (noting that application of Two-Hour Rule turns simply on the “factual situation” regarding the time at which committee action occurred). Moreover, during the November 30 meeting, many Republican members expressed keen interest in voting on their amendments, and Ranking Member Graham noted that the Two Hour Rule meant only that the Committee would have to work through the various amendments over the course of multiple sessions. *See* Senate Judiciary Committee, Executive Business Meeting (Nov. 30, 2023), available at <https://www.judiciary.senate.gov/committee-activity/hearings/11/30/2023/executive-business-meeting>. For example, during a 2005 mark-up then-Chairman Specter noted, after the Two-Hour Rule had been invoked, that 82 amendments had been filed, that he had only “finished two,” and that he would therefore have to use future sessions to work through the others. Congressional Quarterly, Transcript of Senate Judiciary Committee Mark Up (April 28, 2005).

It is incontestable that the Two-Hour Rule was violated. The precise times at which the Senate convened and at which the Committee voted on the authorization on November 30 are matters of public record, and wishful thinking on the part of the Committee cannot alter

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<sup>4</sup> Senate Democrats have themselves used the Two-Hour Rule in recent years, including to halt multiple Senate hearings for a day in response to Republicans agreeing to fill the Supreme Court vacancy created by the passing of Justice Ruth Bader Ginsburg. *See* Grace Segers & Alan He, Schumer invokes “two-hour rule” to block Senate committee hearings, CBS News (Sept. 23, 2020).

that record. As a result, the purported subpoena authorization is invalid and, were it to be served, we would be under no more compulsion than we are today.

#### **Ending Debate Pursuant to Committee Rule IV**

It is also beyond question that no Republican member voted to end debate on the authorization resolution during the November 30 meeting. Under Committee Rule IV, that means debate on the authorization and consideration of amendments could not be terminated. Nonetheless, debate was cut off, in violation of Rule IV, thereby rendering the subpoena authorization procedurally invalid in a second respect that independently makes any subpoena issued unenforceable.

The text of Rule IV is clear: a matter may be brought to a vote without further debate only “if the motion . . . passes with eleven votes in the affirmative, *one of which must be cast by the minority*.” Senate Judiciary Committee Rule IV (emphasis added). Rule IV thus ensures robust debate in the Committee, and is comparable to other rules that provide for mostly unlimited debate for the Senate as a whole. Senate Rule XXII, in particular, by requiring the agreement of at least 60 members before debate may be ended on the Senate floor, has long been recognized—by members of both parties—as an important tool for promoting deliberation and bipartisan consensus. *See generally* U.S. Senate Committee on Rules and Administration, S. Hrg. 111-706, Examining the Filibuster: History of the Filibuster 1789–2008 (April 22, 2010). Chairman Durbin, you made the same point as recently as five years ago when you said that the Senate “ha[s] to acknowledge a respect for the minority and that is what the Senate tries to do in its composition and in its procedure,” including through unrestricted debate. Taila Kaplan, *Sen. Durbin addresses conflicting remarks regarding the filibuster*, Fox News (Mar. 21, 2021). By requiring minority buy-in to end debate, Rule IV functions similarly at the committee level.

During the November 30 meeting, the Chair cited two prior actions taken by the Committee as supposed precedents for casting aside Rule IV: (1) the 2018 vote to end debate on the nomination of Justice Kavanaugh, and (2) the 2019 vote to end debate on S. 1494, both of which occurred without any Democratic support. But neither vote justifies the Committee’s decision to end debate on the subpoena authorization in disregard of Rule IV’s plain terms. These examples are inapposite here, because they involved a judicial nomination and proposed legislation, which are subject to different rules than those applicable to subpoena authorizations, and in any event, they would not provide a basis on which a court could disregard Rule IV’s plain text in assessing the validity of any subpoenas issued.

The 2018 and 2019 votes concerned, respectively, a judicial nomination and a legislative measure. Under Senate Rules, both nominations and legislation qualify as “matters

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or measures” that may be reported out of committee to the full Senate. *See* Senate Rule XXV(1) (providing committees with authority to “report by bill or otherwise on matters within their respective jurisdictions”); Senate Rule XXXI (providing procedures by which nominations “may be reported by a committee”). Further, Senate Rule XXVI(7)(a)(3) provides that “[a]ction by any committee in reporting any measure or matter,” if done so by a vote of a majority of the committee, “shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter,” and that “no point of order shall lie with respect to that measure or matter.” Thus, this provision of Rule XXVI effectively cures any procedural defects committed during committee proceedings that might otherwise have marred the validity of matters reported to the Senate floor, as were the Kavanaugh nomination and S. 1494. Indeed, then-Chairman Graham made this point explicitly when he moved to order S. 1494 reported out of committee in 2019 over Democratic objections, explaining that “what I am doing today is using Rule XXVI where a majority of the Committee can deal with situations” of minority obstruction to prevent the “Committee [from] becom[ing] irrelevant.” Senate Judiciary Committee, Executive Business Meeting (Aug. 1, 2019), available at <https://www.judiciary.senate.gov/committee-activity/hearings/08/01/2019/executive-business-meeting>.

An authorization to issue subpoenas, by contrast, is not a matter or measure that is reported to the Senate floor for action by the full Senate. As noted, Senate Rules delegate subpoena authority directly to committees, to be exercised on the committees’ own initiative, in accordance with and subject to the limitations and requirements imposed by Senate and committee rules. *See* Senate Rule XXVI(1). Subpoena actions are not reported to the full Senate. The wording of Rule XXVI thus creates a key distinction between the 2018 and 2019 examples, on the one hand, and what transpired at the November 30 meeting on the other. By its terms, the Rule’s curative clause applies only to “[a]ction by any committee in *reporting* any measure or matter.” Senate Rule XXVI(7)(a)(3) (emphasis added). That means the Rule’s ameliorative effect does not apply to internal committee actions that are not reported to the floor. The attempt to invoke Rule XXVI and the 2018 and 2019 examples during the November 30 meeting was therefore in error. Other Senate rules support the same conclusion. *See* Senate Rule XVII(4)(b) (providing that “[w]henver any committee . . . has *reported* any measure . . . no point of order shall lie with respect to that measure” on the grounds that hearings upon that measure by the committee were not conducted” properly (emphasis added)). The subpoena authorization therefore suffers, and will continue to suffer, from a fatal procedural defect that was not and cannot be cured, unlike in the case of the Kavanaugh nomination and S. 1494.

There are also other important distinctions between the subpoena authorization as compared to the 2018 and 2019 votes. Critically, the Committee’s earlier actions did not

implicate the due process rights of a particular individual, but rather involved, in the case of the 2019 vote, the adoption of legislation of general applicability and, as to the 2018 vote, consideration of whether to approve a judicial appointment. The subpoena authorization, by contrast, concerns two named individuals and, if acted on, would purportedly impose onerous legal obligations unique to those individuals. It is a bedrock principle of American law that the actions of a government body are subject to heightened due process safeguards where they concern a “relatively small number of persons . . . who [are] exceptionally affected, in each case upon individual grounds,” and that such safeguards are not present when a body acts on matters of “general determination,” such as legislation of broad applicability. *Bi-Metallic Inv. Co. v. State Bd. of Equalization*, 239 U.S. 441, 446 (1915). And as detailed below, these due process safeguards place additional constraints on Congress’s ability to issue subpoenas. That is another reason why the 2018 and 2019 actions—to which due process considerations were not relevant—are meaningfully different from, and cannot lend support to, the November 30 subpoena authorization.

Finally, while debate was ended without minority party support in 2018 and 2019, the chairmen at those times at least provided some period for meaningful debate and discussion. In 2018, then-Chairman Grassley scheduled the vote to end debate only at a time certain later in the day that afforded the minority party approximately three and a half additional hours for debate and discussion. Senate Judiciary Committee, Executive Business Meeting (Sept. 28, 2018), available at <https://www.judiciary.senate.gov/committee-activity/hearings/09/28/2018/executive-business-meeting>. Similarly, in 2019 then-Chairman Graham scheduled the vote to end debate at a specific time later in the day that allowed for nearly an hour of discussion and debate. See Senate Judiciary Committee, Executive Business Meeting (Aug. 1, 2019), available at <https://www.judiciary.senate.gov/committee-activity/hearings/08/01/2019/executive-business-meeting>. At the November 30 meeting, the Chair initially suggested that he would work with Republicans to create a process for debating the authorization and considering Republican amendments. It was only after the Two Hour Rule was invoked that the approach changed and the effort was made aggressively to shut down debate as quickly as possible, leaving the minority with mere minutes to offer debate on the subpoena authorization. The elimination of meaningful debate on November 30 was thus far more egregious than anything that occurred in 2018 or 2019.

Even if the 2018 and 2019 actions were somehow comparable to the November 30 vote to override Rule IV, moreover, they still would not transform the clearly defective subpoena authorization into a valid source of authority for the issuance of subpoenas. It “has been long settled . . . that rules of Congress and its committees are judicially cognizable,” as discussed at greater length below. *Yellin v. United States*, 374 U.S. 109, 114 (1963). Courts thus have plenary authority to construe and enforce such rules when they are “sufficiently clear.” *United*

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*States v. Rostenkowski*, 59 F.3d 1291, 1306 (D.C. Cir.), opinion supplemented on denial of reh'g, 68 F.3d 489 (D.C. Cir. 1995).

“It is hard to imagine a statutory term less ambiguous” than one that operates on “precise numerical thresholds.” *Util. Air Regul. Grp. v. E.P.A.*, 573 U.S. 302, 326 (2014). And Rule IV’s terms operate numerically. If one member of the minority party votes to end debate, the motion to end debate is adopted. If no minority party members vote to do so, the motion fails. There is simply no way to put an interpretive gloss on Rule IV’s straightforward command. Assessing whether the threatened subpoenas are valid would thus require “no resolution of ambiguities in the Senate’s internal rules” by a court, and a court would have no basis for deferring to Committee actions that starkly contradict the rule’s plain text. *United States v. Durenberger*, 48 F.3d 1239, 1244 (D.C. Cir. 1995).

In sum, the Committee’s violation of Rule IV on November 30 was obvious and unambiguous. The Committee’s only resort is to point to two inapposite examples from the recent past where the Committee majority ended debate without any minority support. Those examples are readily distinguishable on numerous grounds, and can provide no excuse for the Committee’s open defiance of its own rules here. And regardless, the text of Rule IV is undeniably clear, so the Committee’s practices, past and present, have no bearing on the threatened subpoenas’ invalidity.

### **Rule III’s Quorum Requirement**

Finally, the Committee may transact business only if “[n]ine Members of the Committee, *including at least two Members of the minority*” are present. Senate Judiciary Committee Rule III(1) (emphasis added). The Committee does not and could not dispute that no Republican members were present when the subpoena authorization vote occurred. The absence of a quorum is thus yet another independently sufficient reason why the authorization is fatally defective.

Similar to Rule IV and the Two Hour Rule, quorum requirements are generally instituted in order, among other purposes, to facilitate proper deliberation and prevent a legislative body from acting rashly. *See New Process Steel, L.P. v. N.L.R.B.*, 560 U.S. 674, 687 (2010) (“The requirement of a quorum is a protection against totally unrepresentative action in the name of the body by an unduly small number of persons.” (quoting Robert’s Rules of Order § 3, p. 20 (10th ed. 2001))). By ignoring its own quorum requirements, the Committee therefore struck another blow against the goal, central to so many Senate rules, of guaranteeing careful consideration of significant matters.

In its recent press statement, the Committee purported to justify its violation by once again pointing to a prior Committee action, specifically a 2020 vote taken with no minority

members present to authorize subpoenas concerning online content moderation. See Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>. But this prior action cannot excuse the Committee's recent missteps. Similar to Rule IV, Rule III is an entirely unambiguous provision. It also operates on a simple numerical calculation. If two minority members are present, a quorum may exist. If fewer than two minority members are present, there is no quorum. As with Rule IV, this provision could and, if subpoenas were issued and enforcement sought, would be interpreted by a court without regard for a prior similar violation that had not come before a court. In other words, because the Committee's actions fly in the face of what is in many ways the paradigm of an unambiguous legal text—one that rests on a numerical formula—the text governs, and the actions are invalid.

**Any Subpoenas Issued Would Be Unenforceable In Court Because of the Rule Violations**

The Committee's rule violations are not harmless process fouls. To the contrary, they triply invalidate the purported subpoena authorization and thus preclude any attempt to enforce any subpoena that might issue based on that invalid authorization. Judicial scrutiny of whether a committee acted in accordance with Senate rules is "appropriate where rights of persons other than members of Congress are jeopardized by Congressional failure to follow its own procedures." *Metzenbaum v. FERC*, 675 F.2d 1282, 1287 (D.C. Cir. 1982). In particular, where a committee violates a rule that was "designed to confer upon witnesses [procedural] right[s]" and benefits, the rule is "judicially cognizable" and the violation will void the committee's actions. See *Yellin*, 374 U.S. at 114–15. This doctrine derives from basic principles of due process, and it applies as much to Congress as it does to executive agencies, which likewise must "follow their own procedures" "[w]here the rights of individuals are affected." *Morton v. Ruiz*, 415 U.S. 199, 235 (1974).

For example, committee rules that "give [an] individual witness a right . . . to protect his reputation" in the course of a congressional investigation have been deemed judicially enforceable. *Yellin*, 374 U.S. at 117. Likewise, a committee must follow "proper procedures . . . before any person is compelled to forfeit his fundamental right to privacy." *Liveright v. United States*, 347 F.2d 473, 475 (D.C. Cir. 1965). Similar judicial enforcement of committee rules is appropriate where congressional rules benefit a witness by informing him of the subject of a committee's investigation. See *Gojack v. United States*, 384 U.S. 702, 709 (1966).

The rule violations discussed above plainly deprived Mr. Crow of important procedural protections. As detailed already, rules designed to promote careful deliberation within the Committee before it takes the significant step of subpoenaing a witness help protect a witness from arbitrary or rash investigative demands. A quorum rule, for example, is a "procedural



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safeguard” that ensures that a government body gives due consideration to relevant considerations before it acts. *Navajo Nation v. Hodel*, 645 F. Supp. 825, 829 (D. Ariz. 1986). Rules promoting robust debate self-evidently fall into the same category, as does the Two-Hour Rule, given its purpose of allowing members to give “closer concentration [to] committee work.” U.S. Senate Special Committee on the Organization of Congress, Report to Accompany S. 2177, S. Rept. 1400 (May 31, 1946). Simply put, such restrictions on committee action, which ensure that action is not taken by a small subset of members, or without a proper assessment of the need for action, “protect the right of all persons to be free from unnecessary invasions of their privacy” in the course of a Committee investigation. *Liveright*, 347 F.2d at 475; *see also Vitarelli v. Seaton*, 359 U.S. 535, 542 (1959) (agency rules that promote an “orderly” hearing and that govern what evidence an agency considers help provide witnesses with a “meaningful hearing,” and are for that reason judicially enforceable).

Had the Senate Judiciary Committee conducted a mark-up of the subpoena authorizing resolution in accordance with its rules, the result could have been very different. Committee Republicans filed more than 150 amendments to the underlying resolution. None were debated. None were voted on. If they had been, the resolution could have been amended in ways that could have made it less onerous to Mr. Crow. It also could have been amended in ways that would have denied it the support needed to be reported out of the Committee. The rule violations deprived the resolution of open debate and possible amendment and Mr. Crow of, potentially, a less onerous result.

Thus, the Committee’s serial rule violations on November 30 were not merely the source of dysfunction, acrimony, and potentially lasting damage to the Committee’s work. They also stand as an insurmountable obstacle to any judicial enforcement of a subpoena if one were to be issued.

\* \* \* \* \*

The Senate, through its rules and practices, has long cultivated a tradition of meaningful and lengthy debate. And for good reason. As Senator Robert Byrd once explained, “[d]elay, deliberation, and debate—though time consuming—may avoid mistakes that would be regretted in the long run. The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate.” 2 Robert C. Byrd, *The Senate, 1789–1989: Addresses on the History of the United States Senate* 162 (1991). Senator Byrd added that the “liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed.” *Id.*

After disregarding its own rules, prematurely shutting off debate on the subpoena authorization, and undermining other deliberative safeguards, the Committee now proposes to

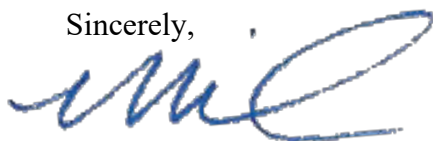
The Honorable Dick Durbin  
January 25, 2024  
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use that broken process as a foundation to probe invasively into Mr. Crow's private life. The risks to important liberty interests is as clear as it is predictable when procedural safeguards are cast aside.

But there is no need to ask the courts to decide whether the Committee's mark-up was proper and the subpoena authorization valid, or if its investigation has a constitutional basis. Mr. Crow has made a good-faith, substantial offer of information to the Committee. He did so, voluntarily, more than six months ago. We respectfully ask that the Committee revisit that offer.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Bopp', with a stylized flourish at the end.

Michael D. Bopp



# Key Document R

**CONFIDENTIAL**

June 4, 2024

VIA ELECTRONIC MAIL

The Honorable Dick Durbin  
Chairman  
U.S. Senate Committee on the Judiciary  
221 Dirksen Senate Office Building  
Washington, DC 20510

Re: Production in Response to Inquiries to Harlan R. Crow

Dear Chairman Durbin:

We write on behalf of Harlan Crow in connection with the inquiries and other correspondence that you sent Mr. Crow on May 8, 2023, May 26, 2023, October 5, 2023, and January 4, 2024, concerning Mr. Crow's friendship with Justice Clarence Thomas. We also write to address the additional questions regarding Mr. Crow and Justice Thomas that your staff conveyed to us on June 13, 2023. Our response is also made on behalf of CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC to address the inquiries that you sent to those entities. We are appreciative of the time your staff has spent speaking with us about your investigation and are prepared to cooperate with your requests as we discussed.

As we have noted previously, Congress does not have authority to enact legislation that imposes ethics standards on the Justices of the Supreme Court. That means that the Senate Judiciary Committee lacks power to carry out an investigation on the subject. Your inquiries about sitting Supreme Court Justices, implicating, as they do, fundamental separation of powers issues, also cannot satisfy the heightened legislative purpose standard applicable here. Nor is it appropriate for the Committee to use an investigation to expose for the sake of exposure the details of a person's private life, as it seeks to do with respect to Justice Thomas. These are serious objections to your investigation that we maintain.

Nonetheless, out of respect for the Committee and the Senate as institutions, we have, after consulting with your staff, agreed to produce certain documents and information in response to your inquiries. Our responses are provided below and in appendices attached to this letter. In particular, we are providing certain documents and information responsive to Requests 2 through 5 of your May 8, 2023 letter and to the additional requests your staff conveyed to us on June 13, 2023 and subsequently. The documents produced are Bates-stamped HRCSJC\_000001 through HRCSJC\_000041.

The Honorable Dick Durbin  
June 4, 2024  
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This letter and corresponding documents contain confidential and sensitive information, including information that, if disclosed, could jeopardize the safety of Justice Thomas and others. We have therefore marked this letter and accompanying documents “Confidential” and provide the information contained herein on the understanding that it will not be disclosed beyond the Committee or made public. We ask that you treat this letter and accompanying documents as confidential Committee records in accordance with Standing Rule of the Senate XXIX, clause 5; afford them the maximum protection available under Senate rules; and inform us of any proposed use by the Committee or your offices of the information contained herein and provide us with an opportunity discuss with your staff any such proposed use.

In providing this response, Mr. Crow, CH Asset Company, Carey Commercial Ltd., and Topridge Holdings, LLC do not waive any applicable privilege or other legal basis under which information may be protected from production. If it were found that provision of the information or documents provided constitutes disclosure of privileged material, such disclosure would be inadvertent.

\* \* \*

### **Responses to May 8 Requests**

**Request 2:** An itemized list of all real estate transactions in which you, or any entity you own or control or for which you have served as a partner, director, or officer, conducted with a Justice of the Supreme Court or a member of the Justice’s family, including the name of the Justice, the date of the transaction, the valuations of the properties, the dollar amount conveyed in the transaction, any occupancy agreements reached regarding the real estate, and the dollar value of any improvements made or taxes paid on the properties during the course of any occupancy agreement.

**Response:** As has been reported publicly, a company owned indirectly by Mr. Crow entered into a real estate transaction with Justice Thomas’s mother, his brother’s heirs, and the Justice in 2014 to purchase three properties located in Savannah, Georgia. At the time he initiated the discussion, Mr. Crow did not know that Justice Thomas had an ownership interest in the property. The purpose of the transaction was to preserve for posterity the childhood home where Justice Thomas resided while growing up in the segregated south. Attached as Appendix A to this letter are documents, marked confidential, that contain the terms and conditions of and consideration for the transaction (which includes the occupancy arrangement) and the valuation of the properties in question. Mr. Crow has at no time entered into any other real estate transaction with Justice Thomas, a member of Justice Thomas’s family, any other Justice of the United States Supreme Court, or, to his knowledge, any member of a Justice’s family.

**Request 3:** An itemized list of all transportation or lodging provided by you, or any entity you own or control or for which you have served as a partner, director, or officer, to a Justice of

The Honorable Dick Durbin  
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the Supreme Court or a member of the Justice's family, including the name of the Justice, the date the transportation was provided, the mode of transportation provided, the itinerary traveled, any lodging provided, and the approximate dollar value of the transportation or lodging.

**Response:** Attached as Appendix B<sup>1</sup> to this letter is an itemized list of all occasions in the past seven years on which Justice Thomas or a member of his family has been a passenger on a yacht or plane owned, directly or indirectly, by Mr. Crow. To Mr. Crow's knowledge, no other Justice of the U.S. Supreme Court or a member of a Justice's family has been a passenger on a yacht or plane owned by Mr. Crow's family on any occasion in the past seven years. We decline to provide the additional information that you have requested on the grounds that it is irrelevant to the purpose of the Committee's investigation. *See Watkins v. United States*, 354 U.S. 178, 215 (1957).

**Request 4:** An itemized list of the occasions on which any property or facility owned by any entity you own or control or for which you have served as a partner, director, or officer, provided lodging to a Justice of the Supreme Court or a member of the Justice's family, including the name of the relevant Justice, the location of the lodging, the date the lodging was provided, and the approximate dollar value of the lodging.

**Response:** Attached as Appendix C to this letter is an itemized list of all occasions in the past seven years on which Justice Thomas or a member of his family has been provided lodging at a property or facility owned or controlled, directly or indirectly, by Mr. Crow, other than occasional short stays at Mr. Crow's principal residence in Dallas, Texas, of which no records are maintained. As far as Mr. Crow is aware, no other Justice of the U.S. Supreme Court or any member of a Justice's family has received lodging at a property or facility owned or controlled directly or indirectly by Mr. Crow. We decline to provide the additional information that you have requested on the grounds that it is irrelevant to the purpose of the Committee's investigation. *See Watkins*, 354 U.S. at 215.

**Request 5:** An itemized list of all occasions when entrance to any private, members-only club was provided by you, or entities you own or control or for which you have served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the dates of those visits, and the full names of any other guests who were also provided entrance by you, or entities you own or control or for which you have served as a partner, director, or officer.

**Response:** As has been reported publicly, Mr. Crow has invited Justice Thomas to attend the Bohemian Club on multiple occasions, with the last visit in 2019, and during some of those visits Justice Thomas delivered remarks. He never told Justice Thomas that there is a fee associated with his attendance.

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<sup>1</sup> Note that, on the last night of the 2019 Indonesia trip listed in Appendix B, the Crows and their guests, including Justice Thomas and his wife, stayed at a hotel in Indonesia, which Mr. Crow paid for.

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We decline to provide information about other individuals who may have been present at the Club on these occasions because providing such information would “unjustifiably encroach upon . . . individual[s’] right to privacy.” *Watkins*, 354 U.S. at 198–99. Mr. Crow has never provided Justice Thomas, any other Justice, or any family member of a Justice access to a private club beyond the occasions that have been reported publicly by media outlets.

**Responses to Supplemental Requests:**

**Request 1:** Do Mr. Crow and his family personally control all invitations for stays at Topridge Camp and trips on Mr. Crow’s jet and yacht, or do the holding companies or other people/entities have some role in inviting guests? If the latter, what has been the process for extending invitations for these trips and stays?

**Response:** The Crow family resides at Topridge as their summer residence generally from around the first week of July through roughly mid-August. During that time, Mr. and Mrs. Crow and their family members personally determine which guests to invite to Topridge. This is the time period during which Justice Thomas and his family have visited Topridge.

In the off-period, Topridge is used by other groups or entities affiliated with Mr. Crow and his family, but as far as Mr. Crow is aware, no Supreme Court Justice has been to Topridge at any of these times.

Similarly, with respect to trips on the yacht and plane, Mr. and Mrs. Crow and their family members personally determined which guests to invite to join them on any occasions on which Justice Thomas and his family have been present.

The Crows have never invited anyone to Topridge or to travel on the yacht or plane for the purpose of permitting them to have an audience with Justice Thomas to discuss cases before or anticipated to come before the Supreme Court, or on any legal issue for that matter. They would never invite someone whom they believed intended to engage in any such practice.

**Request 2:** Has Mr. Crow invited Justice Thomas or any other justice to receive lodging at Bohemian Grove? If so, was the lodging that the justice received provided free of charge to the justice, and was the lodging paid for by Mr. Crow?

**Response:** Mr. Crow has invited Justice Thomas and other friends to be a guest of his at the Bohemian Grove. Members are permitted to bring guests. A guest fee, which includes lodging, is paid by Mr. Crow.

**Request 3:** For any lodging, flights or trips that have included Justice Thomas, or any other justice, at Mr. Crow’s or the holding companies’ invitation, has the justice’s presence been made known in advance to any other invitees or potential invitees? If so, how?

**Response:** When the Crows invite guests to Topridge or to travel on the yacht or plane as discussed above, they do not indicate to the invitees who else is being invited. Once the confirmed guest list has been set for a stay at Topridge or on the yacht, sometimes Mrs. Crow,

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June 4, 2024  
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as part of the Crows' hospitality protocol, will send around information that includes the names of the guests.

It bears repeating that the Crows have never invited anyone to Topridge or to travel on the yacht or plane for the purpose of permitting them to have an audience with Justice Thomas to discuss cases before or anticipated to come before the Supreme Court, or any legal issue for that matter. They would never invite someone whom they believed intended to engage in any such practice and the implication that they do is offensive.

**Request 4:** Is lodging at Topridge Camp provided to all guests free of charge? If not, what is the process for determining whether guest pays for lodging at Topridge Camp?

**Response:** The Crows invite family, friends, and colleagues to be their personal guests and spend time with them at Topridge during the summer, and such personal guests are not asked to pay any amount for their stay. Employees of Crow-family businesses may stay at Topridge from time to time, and the appropriate business entity is charged for their stay.

**Request 5:** Is travel on Mr. Crow's private jet or yacht provided to all guests free of charge? If not, what is the process for determining whether a guest pays for travel on the jet or yacht?

**Response:** When Mr. and Mrs. Crow invite personal guests to travel on the yacht and plane, the Crows pay for the trips, and none of their guests are asked to pay for these trips. When Mr. Crow uses the plane, his business colleagues may travel with him on occasion and, in those instances, a portion or (if it is solely a business trip) all of the flight, may be charged to Crow family businesses as appropriate. Similarly, when the yacht is used for business purposes, the affiliated businesses will pay for those uses.

**Request 6:** Have corporate entities been able to secure lodging at Topridge Camp or travel on the jet or yacht on behalf of individuals affiliated with the entity at the same time a justice was present? If so, what is the process by which corporate entities reserve that lodging or travel, and which corporate entities have reserved lodging or travel by this process?

**Response:** No outside corporate entity has ever secured lodging at Topridge or travel on the plane or yacht on behalf of individuals affiliated with the entity at the same time a Justice was present. As stated, Justice Thomas and his wife have only visited Topridge when the Crows reside there during the summer. During the Crows' residence, guests are invited by the Crows from all walks of their personal and professional life, and while their guests work for a variety of employers, they are not invited because of their affiliations with such employers and such employers have no role in securing such invitations.

\* \* \*

The Honorable Dick Durbin  
June 4, 2024  
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Please feel free to have your staff contact me with any questions concerning this response.

Sincerely,

Michael D. Bopp



cc: The Honorable Lindsey Graham

# APPENDIX A



<div><div>FROM: Wanda Burnsed Lane, Clark &amp; Company P.O. Box 6143  Savannah, Ga 31414 Telephone Number: 912-355-8883      Fax Number: 912-355-8854</div><div>T0:  J. Daniel Falligant, Bouhan &amp; Falligant 447 Bull St Savannah, GA 31401  Telephone Number: 912-644-5732      Fax Number: Alternate Number:      E-Mail: DFalligant@bouhan.com</div></div>			<div>INVOICE</div> <table><tr><td colspan="2">INVOICE NUMBER</td></tr><tr><td colspan="2">1408R-6489</td></tr><tr><td colspan="2">DATE</td></tr><tr><td colspan="2">08/28/2014</td></tr><tr><td colspan="2">REFERENCE</td></tr><tr><td>Internal Order #:</td><td>1408R-6489</td></tr><tr><td>Lender Case #:</td><td></td></tr><tr><td>Client File #:</td><td></td></tr><tr><td>Main File # on form:</td><td>1408R-6489</td></tr><tr><td>Other File # on form:</td><td></td></tr><tr><td>Federal Tax ID:</td><td></td></tr><tr><td>Employer ID:</td><td></td></tr></table>		INVOICE NUMBER		1408R-6489		DATE		08/28/2014		REFERENCE		Internal Order #:	1408R-6489	Lender Case #:		Client File #:		Main File # on form:	1408R-6489	Other File # on form:		Federal Tax ID:		Employer ID:	
INVOICE NUMBER																												
1408R-6489																												
DATE																												
08/28/2014																												
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Lender Case #:																												
Client File #:																												
Main File # on form:	1408R-6489																											
Other File # on form:																												
Federal Tax ID:																												
Employer ID:																												
DESCRIPTION																												
<div><div>Lender: J. Daniel Falligant, Bouhan &amp; Falligant</div><div>Client: J. Daniel Falligant, Bouhan &amp; Falligant</div><div>Purchaser/Borrower: n/a</div><div>Property Address: 542 E 32nd St</div><div>City: Savannah</div><div>County: Chatham</div><div>Legal Description: Lot 57 W 1/2 56 Barry Ward</div><div>State: GA</div><div>Zip: 31401-7510</div></div>																												
FEES				AMOUNT																								
single family residential appraisal				350.00																								
SUBTOTAL				350.00																								
PAYMENTS				AMOUNT																								
Check #:	Date:	Description:																										
Check #:	Date:	Description:																										
Check #:	Date:	Description:																										
SUBTOTAL																												
TOTAL DUE				\$ 350.00																								

Lane, Clark and Company  
P.O. Box 6143  
Savannah, Ga. 31404

September 2, 2014

J. Daniel Falligant, Bouhan & Falligant  
447 Bull St  
Savannah, GA 31401

Re: Property: 542 E 32nd St  
Savannah, GA 31401-7510  
Borrower: n/a  
File No.: 1408R-6489

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The value conclusions reported are as of the effective date stated in the body of the report and contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



Elizabeth W Harrelson  
Lane, Clark and Company

Exterior-Only Inspection Residential Appraisal Report

File # 1408R-6489

SUBJECT

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address	542 E 32nd St	City	Savannah	State	GA	Zip Code	31401-7510
Borrower	n/a	Owner of Public Record	Lee Myers Thomas et al	County	Chatham		
Legal Description	Lot 57 W 1/2 56 Barry Ward						
Assessor's Parcel #	2-0053-28-006	Tax Year	2014	R.E. Taxes \$	515		
Neighborhood Name	Barry Ward	Map Reference	42340	Census Tract	0020.00		
Occupant	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> Vacant	Special Assessments \$	n/a	<input type="checkbox"/> PUD	HOA \$ n/a <input type="checkbox"/> per year <input type="checkbox"/> per month
Property Rights Appraised	<input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Other (describe)						
Assignment Type	<input type="checkbox"/> Purchase Transaction <input type="checkbox"/> Refinance Transaction <input checked="" type="checkbox"/> Other (describe) fair market value as of date of inspection						
Lender/Client	J. Daniel Falligant, Bouhan & Falligant Address 447 Bull St, Savannah, GA 31401						
Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
Report data source(s) used, offering price(s), and date(s). The subject has not been listed on MLX in the previous 12 months.							

CONTRACT

I ☐ did ☐ did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. n/a

Contract Price \$	n/a	Date of Contract	n/a	Is the property seller the owner of public record?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Data Source(s)	n/a
Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? <input type="checkbox"/> Yes <input type="checkbox"/> No							
If Yes, report the total dollar amount and describe the items to be paid. n/a n/a							

NEIGHBORHOOD

**Note: Race and the racial composition of the neighborhood are not appraisal factors.**

Neighborhood Characteristics		One-Unit Housing Trends				One-Unit Housing		Present Land Use %	
Location	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural	Property Values	<input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	PRICE	AGE	One-Unit	80 %		
Built-Up	<input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply	<input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	\$ (000)	(yrs)	2-4 Unit	15 %		
Growth	<input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Marketing Time	<input type="checkbox"/> Under 3 mths <input type="checkbox"/> 3-6 mths <input checked="" type="checkbox"/> Over 6 mths	10	Low 2	Multi-Family	%		
Neighborhood Boundaries	E 37 St to the south, Waters Ave to the east, Bull St to the west and Park Ave to the north.				350	High 125	Commercial	5 %	
					60	Pred. 95	Other	%	
Neighborhood Description	See attched addenda.								

Market Conditions (including support for the above conclusions) No unusal marketing conditions exist in the area. Demand for housing is average.

SITE

Dimensions	see plat map addendum (SAGIS)	Area	5,005 sf	Shape	rectangular	View	neighborhood
Specific Zoning Classification	R-M-25	Zoning Description	Residential				
Zoning Compliance	<input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal Nonconforming (Grandfathered Use) <input type="checkbox"/> No Zoning <input type="checkbox"/> Illegal (describe)						
Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe							
Utilities	Public Other (describe)	Public Other (describe)	Off-site Improvements - Type		Public	Private	
Electricity	<input checked="" type="checkbox"/> <input type="checkbox"/>	Water	<input checked="" type="checkbox"/> <input type="checkbox"/>	Street asphalt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Gas	<input checked="" type="checkbox"/> <input type="checkbox"/>	Sanitary Sewer	<input checked="" type="checkbox"/> <input type="checkbox"/>	Alley n/a	<input type="checkbox"/>	<input type="checkbox"/>	
FEMA Special Flood Hazard Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	FEMA Flood Zone	X	FEMA Map #	13051C0162F	FEMA Map Date	9/26/2008
Are the utilities and off-site improvements typical for the market area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe							
Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe							
None known to the appraiser. See expanded scope of work comments. The subject is not located in a flood zone-subject to survey.							

IMPROVEMENTS

Source(s) Used for Physical Characteristics of Property ☐ Appraisal Files ☐ MLS ☒ Assessment and Tax Records ☐ Prior Inspection ☐ Property Owner ☐ Other (describe)

Data Source for Gross Living Area Chatham County Tax Assessor

General Description	General Description	Heating/Cooling	Amenities	Car Storage
Units <input type="checkbox"/> One <input checked="" type="checkbox"/> One with Accessory Unit	<input type="checkbox"/> Concrete Slab <input checked="" type="checkbox"/> Crawl Space	<input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB	<input type="checkbox"/> Fireplace(s) #	<input checked="" type="checkbox"/> None
# of Stories 1	<input type="checkbox"/> Full Basement <input type="checkbox"/> Finished	<input type="checkbox"/> Radiant	<input type="checkbox"/> Woodstove(s) #	<input type="checkbox"/> Driveway # of Cars
Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	<input type="checkbox"/> Partial Basement <input type="checkbox"/> Finished	<input type="checkbox"/> Other	<input type="checkbox"/> Patio/Deck	Driveway Surface
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.	Exterior Walls wood/good	Fuel electric	<input checked="" type="checkbox"/> Porch screen prch	<input type="checkbox"/> Garage # of Cars
Design (Style) 1 story bungalow	Roof Surface shingle/good	<input checked="" type="checkbox"/> Central Air Conditioning	<input type="checkbox"/> Pool	<input type="checkbox"/> Carport # of Cars
Year Built 1900	Gutters & Downspouts overhang	<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Fence wood	<input type="checkbox"/> Attached <input type="checkbox"/> Detached
Effective Age (Yrs) 15	Window Type metal/good	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Built-in
Appliances <input checked="" type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input type="checkbox"/> Dishwasher <input type="checkbox"/> Disposal <input checked="" type="checkbox"/> Microwave <input type="checkbox"/> Washer/Dryer <input type="checkbox"/> Other (describe)				
Finished area above grade contains: 4 Rooms 2 Bedrooms 1 Bath(s) 1,391 Square Feet of Gross Living Area Above Grade				
Additional features (special energy efficient items, etc.) See attached addenda.				

Describe the condition of the property and data source(s) (including apparent needed repairs, deterioration, renovations, remodeling, etc.). The subject is assumed to be in very good condition for purposes of this appraisal per the client's instructions. See expanded scope of work comments.

Are there any apparent physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? ☐ Yes ☒ No If Yes, describe.

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? ☒ Yes ☐ No If No, describe.

Exterior-Only Inspection Residential Appraisal Report

File # 1408R-6489

There are 19 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ 42,500 to \$ 115,000 .														
There are 28 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ 30,000 to \$ 102,000 .														
FEATURE			SUBJECT			COMPARABLE SALE # 1			COMPARABLE SALE # 2			COMPARABLE SALE # 3		
Address 542 E 32nd St Savannah, GA 31401-7510			406 Seiler Ave Savannah, GA 31401			1309 E 38th St Savannah, GA 31404			636 E 36th St Savannah, GA 31401					
Proximity to Subject			0.33 miles SW			0.97 miles SE			0.26 miles SE					
Sale Price			\$ n/a			\$ 95,000			\$ 102,000			\$ 86,000		
Sale Price/Gross Liv. Area			\$ sq.ft.			\$ 76.49 sq.ft.			\$ 90.03 sq.ft.			\$ 77.55 sq.ft.		
Data Source(s)			MLX 113332; DOM: 126			MLX 116378; DOM: 238			MLX 118282; DOM: 90					
Verification Source(s)			deed records/tax records			deed records/tax records			deed records/tax records					
VALUE ADJUSTMENTS			DESCRIPTION			DESCRIPTION + (-) \$ Adjustment			DESCRIPTION + (-) \$ Adjustment			DESCRIPTION + (-) \$ Adjustment		
Sales or Financing Concessions			FHA loan typical			Conv loan typical			Conv loan typical					
Date of Sale/Time			05/07/2014			07/24/014			04/28/2014					
Location			Barry Wd/midtw			Teynac Wd/Mid			Oliver Wd/Midtw			Glatigny Wd/Md		
Leasehold/Fee Simple			Fee Simple			Fee Simple			Fee Simple					
Site			5,005 sf			1995 sf +2,000			7140 sf -2,000			3404 sf +1,000		
View			neighborhood			neighborhood			neighborhood			neighborhood		
Design (Style)			1 story bungalow			2 story trad			1 story bungalow			1 story bungalow		
Quality of Construction			good			good			good			good		
Actual Age			114			114			89			114		
Condition			good			good			good			good		
Above Grade			Total Bdrms. Baths			Total Bdrms. Baths			Total Bdrms. Baths			Total Bdrms. Baths		
Room Count			4 2 1			4 2 1			4 2 1			5 3 2 -6,000		
Gross Living Area			1,391 sq.ft.			1,242 sq.ft. +3,725			1,133 sq.ft. +6,450			1,109 sq.ft. +7,050		
Basement & Finished Rooms Below Grade			0 0			0 0			0 0			0 0		
Functional Utility			good			good			good			good		
Heating/Cooling			central			central			central			central		
Energy Efficient Items			typical			typical			typical			typical		
Garage/Carport			street			street			offstreet-garage -5,000			street		
Porch/Patio/Deck			screen porch			porch/patio			porch			porch/patio		
Net Adjustment (Total)						⊗ + □ - \$ 5,725			□ + ⊗ - \$ -550			⊗ + □ - \$ 2,050		
Adjusted Sale Price of Comparables						Net Adj. 6.0 % Gross Adj. 6.0 % \$ 100,725			Net Adj. 0.5 % Gross Adj. 13.2 % \$ 101,450			Net Adj. 2.4 % Gross Adj. 16.3 % \$ 88,050		
I <input checked="" type="checkbox"/> did <input type="checkbox"/> did not research the sale or transfer history of the subject property and comparable sales. If not, explain														
My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.														
Data Source(s) deed records														
My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.														
Data Source(s) deed records														
Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).														
ITEM			SUBJECT			COMPARABLE SALE #1			COMPARABLE SALE #2			COMPARABLE SALE #3		
Date of Prior Sale/Transfer			no prior sales/transfers			no prior sales/transfers			no prior sales/transfers			no prior sales/transfers		
Price of Prior Sale/Transfer			within previous 3 years			within previous 12 months			within previous 12 months			within previous 12 months		
Data Source(s)			deed records			deed records			deed records			deed records		
Effective Date of Data Source(s)			current			current			current			current		
Analysis of prior sale or transfer history of the subject property and comparable sales No prior sales/transfers of the subject or the comparables in the time frames specified above.														
Summary of Sales Comparison Approach The comparables are located in the same marketing area as the subject property and are confirmed as closed transactions. Site/view adjustments, when warranted, were based on site replacement costs. Values vary according to size, elevation, utility, location and water amenity. Full bath adjusted at \$5000; no adjustment made for additional bedroom per MLX data. GLA adjusted at \$25 per sf. Comp 2 is adjusted \$5000 for garage parking. Comp 4 is adjusted \$5000 for lack of central HVAC. Comp 4 is also adjusted 10% for inferior condition. As previously noted in this report, the assumption is being made that the subject is in good condition per the client's instruction. After adjustments, a reasonable range of values exists.														
Indicated Value by Sales Comparison Approach \$ 95,000														
Indicated Value by: Sales Comparison Approach \$ 95,000 Cost Approach (if developed) \$ Income Approach (if developed) \$ n/d														
See attached addenda.														
This appraisal is made <input checked="" type="checkbox"/> "as is", <input type="checkbox"/> subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or <input type="checkbox"/> subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair:														
Based on a visual inspection of the exterior areas of the subject property from at least the street, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is \$ 95,000 , as of August 26, 2014 , which is the date of inspection and the effective date of this appraisal.														

Exterior-Only Inspection Residential Appraisal Report

File # 1408R-6489

ADDITIONAL COMMENTS

COST APPROACH

INCOME

PUD INFORMATION

Clarification of inspection: a "complete visual observation of the interior and exterior areas of the subject property" was performed by the appraiser based on conditions readily observable excluding all hidden or obstructed areas and not as a professional home inspector. The term "complete" is not an all inclusive term relative to the entire attic and, if applicable, the entire crawl space and other non-habitable areas as a complete detailed physical inspection of every part of the aforementioned areas is not a function of the inspection process relative to residential appraising but is relative to the inspection process by a professional home inspector. The appraiser is not a professional termite or wood destroying organism inspector, environmental inspector, professional mechanical or systems inspector, or professional well and septic system inspector. Improvement ratings and comments regarding improvements, systems, equipment and real property do not represent any guarantees and/or warranties expressed or implied as guarantees and/or warranties are not a part of the scope of this appraisal. It is not a part of the scope of this appraisal to perform duties relative to that of an attorney-at-law regarding absolute verification of all legal aspect pertaining to the subject property. It is not a part of the scope of this appraisal for the appraiser to perform duties relative to that of a professional surveyor regarding absolute verification of all aspects considered and discoveries made by a professional surveyor related to the site and improvements of the subject property. Attempt of discovery of potential adverse influences as a result of human behavior is not part of the scope of work of this appraisal

COST APPROACH TO VALUE (not required by Fannie Mae)

Provide adequate information for the lender/client to replicate the below cost figures and calculations.

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value) not developed

ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input type="checkbox"/> REPLACEMENT COST NEW	OPINION OF SITE VALUE _____ =\$		
Source of cost data	DWELLING	Sq.Ft. @ \$	_____ =\$
Quality rating from cost service	Effective date of cost data	Sq.Ft. @ \$	_____ =\$
Comments on Cost Approach (gross living area calculations, depreciation, etc.)			_____ =\$
The cost approach was not developed for this analysis. The cost approach is not necessary to develop a credible opinion of value.	Garage/Carport	Sq.Ft. @ \$	_____ =\$
	Total Estimate of Cost-New		_____ =\$
The sales comparison approach was developed for this analysis as it best describes the actions of buyers and sellers in the markeplace.	Less Physical	Functional	External
	Depreciation		=\$ ( )
	Depreciated Cost of Improvements		_____ =\$
	"As-is" Value of Site Improvements		_____ =\$
Estimated Remaining Economic Life (HUD and VA only) 50 Years	INDICATED VALUE BY COST APPROACH _____ = \$		

INCOME APPROACH TO VALUE (not required by Fannie Mae)

Estimated Monthly Market Rent \$ X Gross Rent Multiplier = \$ Indicated Value by Income Approach

Summary of Income Approach (including support for market rent and GRM)

PROJECT INFORMATION FOR PUDs (if applicable)

Is the developer/builder in control of the Homeowners' Association (HOA)? ☐ Yes ☐ No Unit type(s) ☐ Detached ☐ Attached

Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.

Legal Name of Project

Total number of phases Total number of units Total number of units sold

Total number of units rented Total number of units for sale Data source(s)

Was the project created by the conversion of existing building(s) into a PUD? ☐ Yes ☐ No If Yes, date of conversion

Does the project contain any multi-dwelling units? ☐ Yes ☐ No Data Source(s)

Are the units, common elements, and recreation facilities complete? ☐ Yes ☐ No If No, describe the status of completion.

Are the common elements leased to or by the Homeowners' Association? ☐ Yes ☐ No If Yes, describe the rental terms and options.

Describe common elements and recreational facilities.

Exterior-Only Inspection Residential Appraisal Report

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This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a visual inspection of the exterior areas of the subject property from at least the street, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

The appraiser must be able to obtain adequate information about the physical characteristics (including, but not limited to, condition, room count, gross living area, etc.) of the subject property from the exterior-only inspection and reliable public and/or private sources to perform this appraisal. The appraiser should use the same type of data sources that he or she uses for comparable sales such as, but not limited to, multiple listing services, tax and assessment records, prior inspections, appraisal files, information provided by the property owner, etc.

**INTENDED USE:** The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

**INTENDED USER:** The intended user of this appraisal report is the lender/client.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
5. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

Exterior-Only Inspection Residential Appraisal Report

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APPRAISER’S CERTIFICATION: The Appraiser certifies and agrees that:

- 1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
- 2. I performed a visual inspection of the exterior areas of the subject property from at least the street. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
- 3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
- 5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
- 6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
- 7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
- 8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
- 9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
- 10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
- 11. I have knowledge and experience in appraising this type of property in this market area.
- 12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
- 13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
- 14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
- 15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
- 16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
- 17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
- 18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
- 19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.

Exterior-Only Inspection Residential Appraisal Report

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20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.

24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature Elizabeth Harrelson

Name Elizabeth W Harrelson

Company Name Lane, Clark and Company

Company Address P.O. Box 6143, Savannah, GA 31404

Telephone Number (912) 355-8883

Email Address eliz@laneclarkco.com

Date of Signature and Report 09/02/2014

Effective Date of Appraisal August 26, 2014

State Certification # 311860

or State License # \_\_\_\_\_

or Other (describe) \_\_\_\_\_ State # \_\_\_\_\_

State GA

Expiration Date of Certification or License 08/31/2014

ADDRESS OF PROPERTY APPRAISED

542 E 32nd St

Savannah, GA 31401-7510

APPRAISED VALUE OF SUBJECT PROPERTY \$ 95,000

LENDER/CLIENT

Name \_\_\_\_\_

Company Name J. Daniel Falligant, Bouhan & Falligant

Company Address 447 Bull St, Savannah, GA 31401

Email Address \_\_\_\_\_

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature \_\_\_\_\_

Name \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Date of Signature \_\_\_\_\_

State Certification # \_\_\_\_\_

or State License # \_\_\_\_\_

State \_\_\_\_\_

Expiration Date of Certification or License \_\_\_\_\_

SUBJECT PROPERTY

☐ Did not inspect exterior of subject property

☐ Did inspect exterior of subject property from street

Date of Inspection \_\_\_\_\_

COMPARABLE SALES

☐ Did not inspect exterior of comparable sales from street

☐ Did inspect exterior of comparable sales from street

Date of Inspection \_\_\_\_\_



Exterior-Only Inspection Residential Appraisal Report

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SALES COMPARISON APPROACH	FEATURE	SUBJECT			COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6					
	Address	542 E 32nd St Savannah, GA 31401-7510			514 E 40th St Savannah, GA 31401											
	Proximity to Subject				0.43 miles SW											
	Sale Price	\$ n/a			\$ 72,000			\$			\$					
	Sale Price/Gross Liv. Area	\$ sq.ft.			\$ 50.85 sq.ft.			\$ sq.ft.			\$ sq.ft.					
	Data Source(s)				MLX 107379; DOM: 201											
	Verification Source(s)				deed records/tax records											
	VALUE ADJUSTMENTS	DESCRIPTION			DESCRIPTION			+ (-) \$ Adjustment			DESCRIPTION			+ (-) \$ Adjustment		
	Sales or Financing Concessions				Cash none											
	Date of Sale/Time				10/09/2013											
	Location	Barry Wd/midtw			Tyenac Wd/Midt											
	Leasehold/Fee Simple	Fee Simple			Fee Simple											
	Site	5,005 sf			4324 sf											
	View	neighborhood			neighborhood											
	Design (Style)	1 story bungalow			2 sty trad											
	Quality of Construction	good			good											
	Actual Age	114			94											
	Condition	good			average			+7,200								
	Above Grade	Total	Bdrms.	Baths	Total	Bdrms.	Baths				Total	Bdrms.	Baths			
	Room Count	4	2	1	5	3	1									
	Gross Living Area	1,391 sq.ft.			1,416 sq.ft.			equal			sq.ft.			sq.ft.		
	Basement & Finished Rooms Below Grade	0 0			0 0											
	Functional Utility	good			good											
	Heating/Cooling	central			space/window			+5,000								
	Energy Efficient Items	typical			typical											
	Garage/Carport	street			street											
	Porch/Patio/Deck	screen porch			front porch											
	Net Adjustment (Total)				<input checked="" type="checkbox"/> + <input type="checkbox"/> -			\$ 12,200			<input type="checkbox"/> + <input type="checkbox"/> -			\$		
	Adjusted Sale Price of Comparables				Net Adj. 16.9 %						Net Adj. %					
					Gross Adj. 16.9 %			\$ 84,200			Gross Adj. %			\$		
	SALE HISTORY	Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).														
		ITEM	SUBJECT			COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6				
		Date of Prior Sale/Transfer	no prior sales/transfers			no prior sales/transfers										
		Price of Prior Sale/Transfer	within previous 3 years			within previous 12 months										
		Data Source(s)	deed records			deed records										
		Effective Date of Data Source(s)	current			current										
		Analysis of prior sale or transfer history of the subject property and comparable sales n/a														
ANALYSIS / COMMENTS	Analysis/Comments Comp 4 is added as further verification of the subject's value.															

General Text Addendum

File No. 1408R-6489

Borrower	n/a				
Property Address	542 E 32nd St				
City	Savannah	County	Chatham	State	GA Zip Code 31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant				

• Exterior-Only: Neighborhood - Description

The subject is located on the east side of Savannah in an area within a few miles of the downtown historic district. Homes in this area are primarily single family primarily built in the early 1900's, however there are some new homes in the area as well as. This area has a number of homes which have been renovated. It is conveniently located to all services including schools, shopping, major roads and public transportation and is also an area popular for rentals to Savannah College of Art and Design students.

• Exterior-Only : Improvements - Additional Features

From the exterior view of the subject made by the appraiser, the subject appears to be in good condition. This appraisal is completed based on the assumption the interior is in very good condition per the client's instruction. If the interior is contrary to that assumption, the value contained herein this report could be subject to change. All other information regarding the subject property is taken from the Chatham County Tax Assessor's website.

• Exterior-Only : Reconciliation - Reconciliation and Final Value Conclusion

The sales comparison approach has been developed for this analysis as it best describes the actions of buyers and sellers in the marketplace. The cost approach was not developed due to the subject's age and lack of verifiable information as to depreciation. The income approach was not developed due to a lack of similar income producing properties in the area. Four sold comparables have been presented for this analysis. They give a good indication of the value of the subject property and indicate a value range of between \$84K and \$101K. Comps 1,2,3 required the lowest percentages of adjustments and were relied upon the most to determine the subect's value. As of August 26, 2014, a value of \$95,000 has been determined for the subject property.

No services were performed by the appraiser in regards to the subject property within the 3 year period immediately preceding acceptance of this assignment, as an appraiser or in any other capacity.

This appraisal report is prepared for the use of J. Daniel Falligant only.

I have no current or prospective interest in the subject property or the parties involved. I certify, as the appraiser, that I have completed all aspects of this valuation, including reconciling my opinion of value, free of influence from the client, client's representatives, borrower, or any other party to the transactions. The undersigned appraiser is responsible for preparing the above referenced appraisal report and hereby certify that the report was completed and the opinion of value developed in accordance with USPAP standards; and at no time did any employee, director, officer or agent of the lend or any other third party acting as a joint venture partner, independent contractor, appraisal company, appraisal management company, or partner on behalf of the lender, influence or attempt to influence the development, reporting, result or review of the report.

"My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Georgia Real Estate Appraiser Classifications and Regulation Act and the Rules and Regulations of the Georgia Real Estate Appraisers Board." [Real Estate Appraiser Classification and Regulation Act paragraph 539-3.02(1)(m) as amended August 1, 2006.

Disclaimers:

Unless otherwise stated within this report, the existence of hazardous materials, included, but limited to toxic waste, asbestos, radon gas, or urea formaldehyde foam insulation, which may or may not be present on the property, was not recognized by the appraiser. The appraiser has not knowledge of the existence of such materials on or in the subject property. The appraiser, however, is not qualified to detect such substances. The conclusions and opinions herein are predicated on the assumption that there is no such substance on or in the property that would contribute to or cause a loss in value. No responsibility is assumed for any such condition or the expertise required to discover them. The client is urged to retain an expert in this field if desired.

URAR: Conditions of Appraisal:

Assumes all mechanical systems function properly and all structural members were sound at the time of observation with no latent defects or infestations unless stated. No personal property was assigned value in the appraisal of the real estate. The appraisal conforms to the Uniform Standards of Professional Practice (USPAP) adopted by the Appraisal Standards Board of the Appraisal Foundation. This appraisal should not be considered a home inspection and should not be relied upon to report the condition of the property being appraised. The features and defects noted in our inspection are specified for comparision purposes against the market which is part and parcel of the appraisal process.

USPAP Addendum-Exposure Time:

Exposure time is always presumed to precede the effective date of the appraisal. It is the estimated length of time the property would have been offered prior to a hypothetical market value sale on the effective date of the appraisal. It is a retrospective estimate based on an analysis of recent past events, assuming a competitive and open market. It assumes not only adequate, sufficient, and reasonable time but also adequate, sufficient, and reasonable marketing efforts. Exposure time and appraisal conclusions of value are therefore interrelated. Exposure time is often expressed as a range and based on direct and indirect market data gathered during the market analysis, sales verifications, interviews with market participants, and other appropriate sources. The amount of marketing time a property requires varies greatly depending on a number of factors including market conditions, listing price, terms of sale offered, and competitive listing inventory. Typically 30 to 60 days is considered a reasonable amount of time for the property to be made known to potential purchasers through the news media, advertising, multiple listing service, etc. At the time a contract occurs, due diligence by the buyer, loan application, etc., can take an additional 30 to 60 days. Historically for this property type, properties have been on the market from 6 to 12 months, if reasonably priced.

Reasonable marketing time is the period a prospective investor would forecast to sell the subject property immediately after the date of value, at the value estimated. Anticipated marketing time is essentially a measure of the perceived level of risk associated with the marketability, or liquidity, of the subject as an investment grade property. The sources for this information include those used in estimating the reasonable exposure time, and also an analysis of anticipated changes in market conditions following the date of appraisal.

General Text Addendum

File No. 1408R-6489

Borrower	n/a				
Property Address	542 E 32nd St				
City	Savannah	County	Chatham	State	GA      Zip Code    31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant				

Title X Disclosure Warning Statement

The subject dwelling was built prior to 1978 and may present exposure to lead from lead-based paint. Appraiser is not an expert in the determination of whether there is lead based paint present. No chipping of peeling paint was obvious in the inspection. An inspection by a qualified inspector would be necessary to determine if lead based paint is present in the subject property.



Subject Photos

Borrower	n/a				
Property Address	542 E 32nd St				
City	Savannah	County	Chatham	State	GA      Zip Code    31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant				



Subject Front

542 E 32nd St  
Sales Price            n/a  
Gross Living Area    1,391  
Total Rooms           4  
Total Bedrooms       2  
Total Bathrooms      1  
Location               Barry Wd/midtw  
View                    neighborhood  
Site                      5,005 sf  
Quality                  good  
Age                       114



Subject Side View



Subject Street



Comparable Photos 1-3

Borrower	n/a				
Property Address	542 E 32nd St				
City	Savannah	County	Chatham	State	GA Zip Code 31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant				



Comparable 1

406 Seiler Ave	
Prox. to Subject	0.33 miles SW
Sales Price	95,000
Gross Living Area	1,242
Total Rooms	4
Total Bedrooms	2
Total Bathrooms	1
Location	Teynac Wd/Mid
View	neighborhood
Site	1995 sf
Quality	good
Age	114



Comparable 2

1309 E 38th St	
Prox. to Subject	0.97 miles SE
Sales Price	102,000
Gross Living Area	1,133
Total Rooms	4
Total Bedrooms	2
Total Bathrooms	1
Location	Oliver Wd/Midtw
View	neighborhood
Site	7140 sf
Quality	good
Age	89



Comparable 3

636 E 36th St	
Prox. to Subject	0.26 miles SE
Sales Price	86,000
Gross Living Area	1,109
Total Rooms	5
Total Bedrooms	3
Total Bathrooms	2
Location	Glatigny Wd/Md
View	neighborhood
Site	3404 sf
Quality	good
Age	114

Comparable Photo Page

Borrower	n/a					
Property Address	542 E 32nd St					
City	Savannah	County	Chatham	State	GA	Zip Code 31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant					



Comparable 4

514 E 40th St	
Prox. to Subject	0.43 miles SW
Sale Price	72,000
Gross Living Area	1,416
Total Rooms	5
Total Bedrooms	3
Total Bathrooms	1
Location	Tyenac Wd/Midt
View	neighborhood
Site	4324 sf
Quality	good
Age	94

Comparable 5

Prox. to Subject
Sale Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location
View
Site
Quality
Age

Comparable 6

Prox. to Subject
Sale Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location
View
Site
Quality
Age

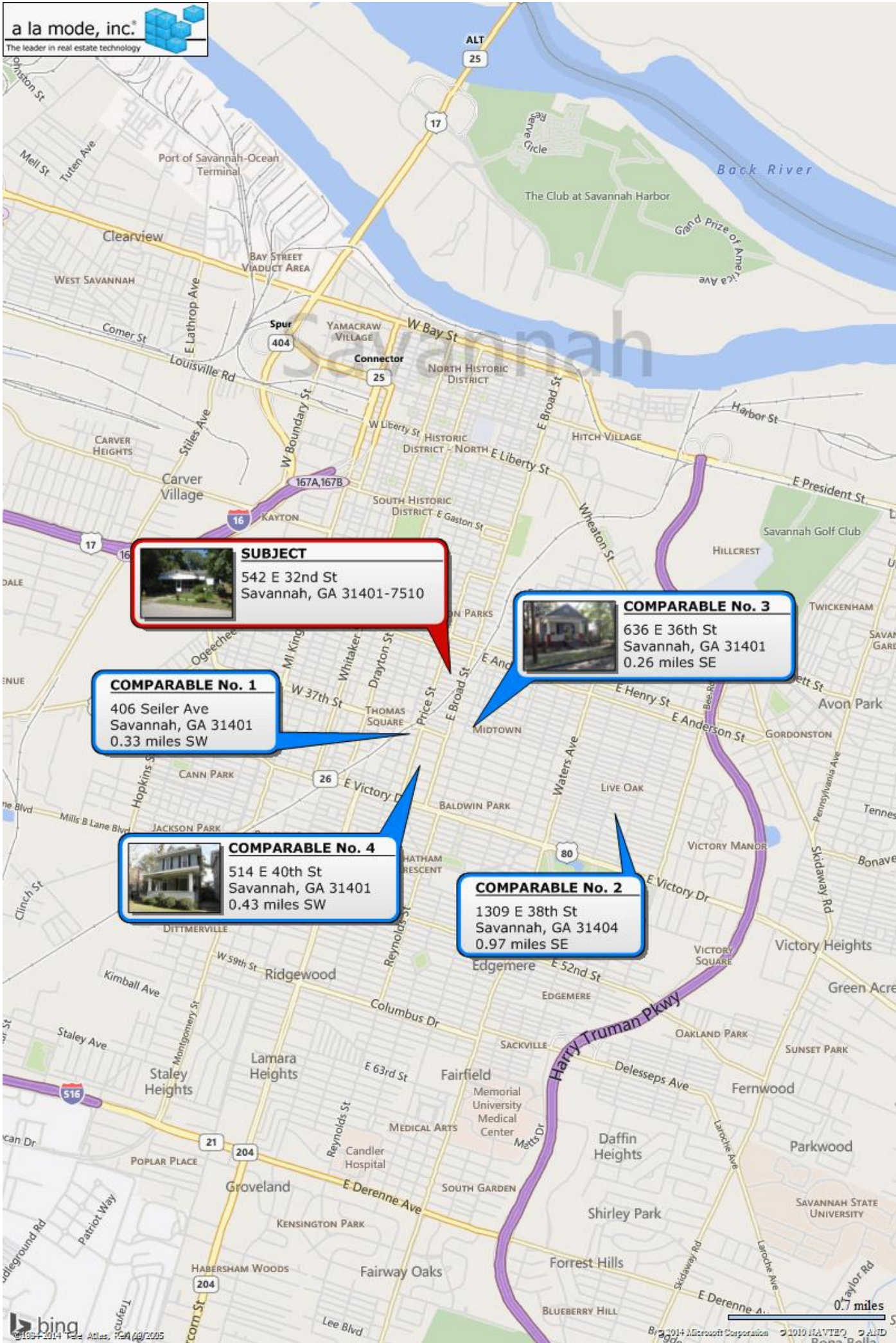






Location Map

Borrower	n/a				
Property Address	542 E 32nd St				
City	Savannah	County	Chatham	State	GA Zip Code 31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant				





RESIDENTIAL SALES AGREEMENT

This Residential Sales Agreement is made and entered into as of the 15<sup>th</sup> day of October, 2014 by and between **LEOLA ANDERSON LING n/k/a LEOLA WILLIAMS, DORA L. THOMAS, and CLARENCE THOMAS** (hereinafter referred to as "Seller") and **SAVANNAH HISTORIC DEVELOPMENTS, L.L.C.** (hereinafter referred to as "Purchaser").

1. **PURCHASE AND SALE.** For and in consideration of TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Purchaser agrees to buy, and the undersigned Seller agrees to sell with such improvements as are located thereon, all that tract or parcel of land being known as: Lots 57 and the Western Half of Lot 56, Barry Ward, with improvements known as 542 East 32<sup>nd</sup> Street, Savannah, Chatham County, Georgia and also vacant lots known as Lots 53 and 54, Barry Ward, Savannah, Chatham County, Georgia, more particularly described on Exhibit "A", attached hereto, together with all common areas, easements and rights appurtenant thereto, with all lighting fixtures attached thereto, all electrical, mechanical, plumbing, air-conditioning, and any other systems or fixtures as are attached thereto, all plants, trees, and shrubbery now a part of the Property (hereinafter collectively referred to as the "Property").

2. **PURCHASE PRICE AND METHOD OF PAYMENT.** The purchase price of said Property shall be One Hundred Thirty-Three Thousand Three Hundred Sixty-Three and No/100 Dollars (\$133,363.00) (hereinafter referred to as the "Purchase Price") to be paid as set forth below:

A. ALL CASH AT CLOSING.

3. **EARNEST MONEY.** Purchaser has paid to Bouhan Falligant LLP real estate escrow account \$5,000.00 receipt of which is hereby acknowledged (hereinafter referred to as the "Earnest Money"), which Earnest Money is to be applied as part payment of the Purchase Price of said Property at the time of closing.

4. **WARRANTY OF TITLE.** Seller warrants that they presently have title to the Property, and at the time of closing, they agree to convey good and marketable fee simple title to the Property to Purchaser by general warranty deed subject only to the easements, covenants and restrictions of record (hereinafter referred to as the "Permitted Exceptions").

5. **TITLE EXAMINATION.** Purchaser shall have until closing to examine title and to furnish Seller with written notice of objections affecting the marketability of said title. Seller shall have fifteen (15) days after receipt of such objections to satisfy all valid objections and if Seller fails to satisfy such valid objections within such thirty (30) day period, then at the option of Purchaser, evidenced by written notice to Seller, this Agreement shall be null and void. Marketable title as used herein shall mean title which a title insurance company licensed to do business in the State of Georgia will insure at its regular rates, subject only to the Permitted Exceptions.

6. [INTENTIONALLY DELETED]

7. **CLOSING.** The Closing shall be held on or before Friday, October 31, 2014 (the "Closing Date"). The exact time and place of Closing shall be selected by Purchaser by written notice to Seller prior to the Closing Date, provided that Seller shall be allowed to execute and deliver any documents required for Closing by U.S. mail.

8. **CLOSING COSTS.** Subject to the following limitations, (Check One) X Purchaser; \_\_\_\_\_ Seller; \_\_\_\_\_ Other shall pay all costs of closing, including, but not limited to (a) attorneys' fees; (b) title search fees and title insurance premium; (c) fee for boundary survey; (d) appraisals. Notwithstanding the foregoing, Seller shall pay Georgia transfer tax. Other: \_\_\_\_\_

Closing Attorney shall be selected by ) X Purchaser \_\_\_\_\_ Seller.

9. **PRORATIONS.** At the Closing, all ad valorem property taxes, water and sewer charges and other

assessments of any kind on the Property for the year of Closing shall be prorated between Purchaser and Seller as of midnight of the day prior to the Closing Date. The provisions in this paragraph shall survive the Closing.

10. **DESTRUCTION OF PREMISES.** Seller warrants that at the time of closing the Property will be in the same condition as on the date this Agreement is signed by the Seller, normal wear and tear excepted. However, should the Property be destroyed or substantially damaged before time of closing, then at the election of the Purchaser: (a) the Agreement may be canceled, or (b) Purchaser may consummate the Agreement and receive such insurance as is paid on the claim of loss. This election is to be exercised within ten (10) days after the Purchaser has been notified in writing by Seller of the amount of the insurance proceeds, if any, Seller will receive on the claim of loss. If Purchaser has not been notified within fourteen (14) days subsequent to the occurrence of such damage or destruction, Purchaser may, at its option, cancel the Agreement.

11. **CONDITION OF PROPERTY.** Seller guarantees that the appliances, heating, air conditioning, plumbing and electrical systems, will be in normal operating condition at time of possession. Purchaser shall have the privilege AND RESPONSIBILITY of making inspections of said systems prior to possession, including those chattels listed hereinafter which are a part of this Agreement. Notwithstanding anything contained herein to the contrary, Seller's responsibility in connection with the foregoing shall cease at time of possession.

Purchaser, his agents or representatives, at Purchaser's expense and at reasonable times during normal business hours, shall have the right to enter upon the Property for the purpose of inspection, examining, testing, and surveying the Property. Purchaser assumes all responsibility for the acts of himself, his agents, or representatives in exercising his rights under this paragraph and agrees to hold Seller harmless from any damages resulting therefrom.

12. **REAL ESTATE COMMISSION.** Seller and Purchaser acknowledge and agree that no real estate brokers commissions or fees are due as a result of this transaction.

13. **DEFAULT.**

(a) **Purchaser's Default.** In the event the transaction contemplated hereby is not closed because of Purchaser's default, then the Earnest Money shall be paid to Seller as full liquidated damages for such failure to close. It is hereby agreed that Seller's damages in the event of a default by Purchaser hereunder are uncertain and impossible to ascertain, and that the Earnest Money constitutes a reasonable liquidation of such damages and is intended not as a penalty, but as full liquidated damages pursuant to Official Code of Georgia Annotated Section 13-6-7, the parties acknowledging the difficulty of ascertaining Seller's damages in such circumstances, whereupon neither party hereto shall have any further rights, claims or liabilities under this Agreement, except for the provisions which are made to survive the termination of this Agreement.

(b) **Seller's Default.** In the event the transaction contemplated hereby is not closed because of Seller's default, then the Earnest Money shall be refunded promptly to Purchaser and Purchaser shall have all rights and remedies available at law or in equity for Seller's breach, including, but not limited to, the right to seek specific performance of this Agreement.

14. **RESPONSIBILITY TO COOPERATE.** Seller and Purchaser agree that such papers as may be necessary to carry out the terms of this Agreement shall be produced, executed and/or delivered by such parties when required to fulfill the terms and conditions of this agreement.

15. **MISCELLANEOUS.**

(a) Time is of essence of this Agreement.

(b) This Agreement shall inure to the benefit of, and be binding upon, the parties hereto, their heirs, successors, administrators, executors and assigns.

(c) The interest of the Purchaser in this Agreement shall not be transferred or assigned without the written consent of Seller.

(d) This Agreement constitutes the sole and entire agreement between the parties hereto and no modification of this Agreement shall be binding unless attached hereto and signed by all parties to this agreement. No representation, promise, or inducement not included in this Agreement shall be binding upon any party hereto.

(e) At Closing, Purchaser and Seller shall execute an Occupancy Agreement which is attached hereto as Exhibit "B" under which Leola Williams shall continue to have the right to occupy the Property pursuant to the terms and conditions of the Occupancy Agreement.

(f) Seller is not, nor will Seller become, a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control ("OFAC") of the Department of the Treasury (including those named on OFACs Specially Designated Nationals and Blocked Persons List) or under any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), or other governmental action and is not and will not engage in any dealings or transactions or be otherwise associated with such persons or entities. In the event of any violation of this section, Purchaser shall be entitled to immediately terminate this Residential Sales Agreement without prior written notice to Seller and to take such other actions as are permitted or required to be taken under law or in equity.

#### 16. ESCROW AGENT

16.1 Escrow Agent has executed this Agreement for the purpose of acknowledging receipt of the Earnest Money and agreeing to hold and disburse the Earnest Money pursuant to the terms of the Agreement.

16.2 In performing any of its duties hereunder, the Escrow Agent shall not incur any liability to anyone for any damages, losses or expenses, except for willful default or breach of trust, and it shall accordingly not incur any such liability with respect (i) to any action taken or omitted in good faith upon advice of its counsel, (ii) to any action taken or omitted in reliance upon any instrument, including any written notice or instruction provided for in this Agreement, not only as to its due execution and the validity and effectiveness of its provisions but also as to the truth and accuracy of any information contained therein, which the Escrow Agent shall in good faith believe to be genuine, to have been signed or presented by a proper person or persons and to conform with the provisions of this Agreement, or (iii) to the failure of the financial institution with which the Earnest Money is deposited. The Escrow Agent is hereby specifically authorized to refuse to act except upon the written consent of Seller and Purchaser. Seller and Purchaser hereby agree to indemnify and hold harmless the Escrow Agent against any and all losses, claims, damages, liabilities and expenses, including reasonable costs of investigation and counsel fees and disbursements, which may be imposed upon the Escrow Agent or incurred by the Escrow Agent in connection with its acceptance or the performance of its duties hereunder, including any litigation arising from this Agreement or involving the subject matter hereof. In the event of a dispute between Seller and Purchaser sufficient in the discretion of the Escrow Agent to justify its doing so, the Escrow Agent shall be entitled to tender into the registry or custody of any court of competent jurisdiction all money or property in its hands under this Agreement, together with such legal pleading as it deems appropriate, and thereupon be discharged from all further duties and liabilities under this Agreement. Any such legal action may be brought in such court as the Escrow Agent shall determine to have jurisdiction thereof. Seller and Purchaser shall bear all costs and expenses of any such legal proceedings.

The above proposition is hereby accepted this 15<sup>th</sup> day of October, 2014.

**PURCHASER:**

SAVANNAH HISTORIC  
DEVELOPMENTS, L.L.C.

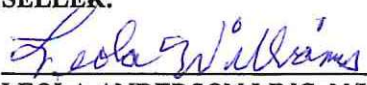
By:   
J. Daniel Falligant, Agent

Purchaser's Address:

447 Bull Street  
Savannah, GA 31401

Phone: 912.644.5732

**SELLER:**

  
LEOLA ANDERSON LING, N/K/A  
LEOLA WILLIAMS

\_\_\_\_\_  
DORA L. THOMAS

\_\_\_\_\_  
CLARENCE THOMAS

Seller's Address:

542 East 32<sup>nd</sup> Street  
Savannah, GA 31401

Phone:

The above proposition is hereby accepted <sup>as of the</sup> ~~this~~ 15<sup>th</sup> day of October, 2014.

**PURCHASER:**

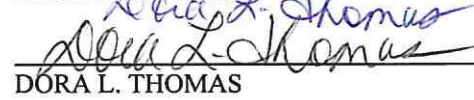
SAVANNAH HISTORIC  
DEVELOPMENTS, L.L.C.

By:   
J. Daniel Falligant, Agent

**SELLER:**

LEOLA ANDERSON LING, N/K/A

LEOLA WILLIAMS

  
DORA L. THOMAS

CLARENCE THOMAS

**Purchaser's Address:**

447 Bull Street  
Savannah, GA 31401

Phone: 912.644.5732

**Seller's Address:**

542 East 32<sup>nd</sup> Street  
Savannah, GA 31401

Phone:

The above proposition is hereby accepted this 21<sup>st</sup> day of October, 2014.

**PURCHASER:**

SAVANNAH HISTORIC  
DEVELOPMENTS, L.L.C.

By: 

J. Daniel Falligant, Agent

**SELLER:**

LEOLA ANDERSON LING, N/K/A  
LEOLA WILLIAMS

DORA L. THOMAS

  
CLARENCE THOMAS

**Purchaser's Address:**

447 Bull Street  
Savannah, GA 31401

Phone: 912.644.5732

**Seller's Address:**

542 East 32<sup>nd</sup> Street  
Savannah, GA 31401

Phone:

ACKNOWLEDGMENT AND AGREEMENT OF ESCROW AGENT

The undersigned Escrow Agent hereby acknowledges receipt of a fully executed copy of the above and foregoing Agreement, together with the Earnest Money provided for therein, and agrees to hold and make payment of such Earnest Money in accordance with the provisions of the above and foregoing Agreement, <sup>as of the</sup> this 15<sup>th</sup> day of October, 2014.

ESCROW AGENT:

BOUHAN FALLIGANT LLP

By: 

Connie R. Ward

Title: Firm Administrator

[CORPORATE SEAL]

*X:\old system\COMMON\FALLIGAN\Savannah Historic Developments, L.L.C\17872-0003\Sales Agreement.100814.wpd*

EXHIBIT "A"

Legal Description

ALL that lot or parcel of land situate, lying and being in the City of Savannah, County of Chatham and State of Georgia, and known on the map of said City as Lot Number Fifty-Seven (57) and the western one-half of Lot Fifty-Six (56), Barry Ward. Said lots being located on the north side of Thirty-Second (32nd) Street with a forty-five (45) foot frontage. Said lot being bounded as follows: North by a lane; east by the eastern one-half (1/2) of Lot Fifty-Six (56); South by Thirty-Second (32nd) Street; and on the West by Lot Fifty-Eight (58), said Ward;

AND, Also,

ALL that certain lot, tract or parcel of land situate, lying and being in the City of Savannah, County of Chatham, and State of Georgia, and known on the map of said City as Lot Number Fifty-Three (53), Barry Ward. Said lot having a southern frontage of thirty (30) feet on Thirty-Second (32nd) Street between Price and East Broad Streets and being the third (3rd) lot east of East Broad and Plant Street and having a rectangular depth of One Hundred (100) feet northerly to a lane and being bounded on the North by said Lane; on the East by Lot Number Fifty-Two (52), said Ward; on the South by Thirty-Second (32nd) Street and on the West by Lot Number Fifty-Four (54), said Ward.

AND, Also,

ALL that lot or parcel of land situate, lying and being in the City of Savannah, County of Chatham and State of Georgia and known on the map of said City as Lot Number Fifty-Four (54), Barry Ward. Said lot being located on the north side of Thirty-Second (32nd) Street, between Price and Plant Streets, and having a frontage of thirty (30) feet on Thirty-Second (32nd) Street, with a rectangular depth northerly of One Hundred (100) feet to a lane, and bounded on the North by said Lane; on the East by Lot Number Fifty-Three (53), said Ward; on the South by Thirty-Second (32nd) Street; and on the West by Lot Number Fifty-Five (55), said Ward;



OCCUPANCY AGREEMENT

THIS OCCUPANCY AGREEMENT is made this 15<sup>th</sup> day of October, 2014, by and between SAVANNAH HISTORIC DEVELOPMENTS, L.L.C., AND ITS SUCCESSORS AND ASSIGNS (hereinafter called "Landlord") and LEOLA WILLIAMS (hereinafter called "Tenant").

In accordance with the terms of the Residential Sales Agreement executed herewith, Tenant has the right to occupy the residence located at 542 East 32<sup>nd</sup> Street, Savannah, Georgia (hereinafter referred to as the "Premises") located on Lot 57 and the West Half of Lot 56, Barry Ward, as more particularly described on Exhibit "A", attached hereto and made a part hereof by this reference (hereinafter referred to as the "Property"), during Tenant's lifetime.

**1. TERM/RENT:** The term of this Occupancy Agreement shall begin on the date of the sale of the Property from Leola Anderson Ling n/k/a Leola Williams, Dora L. Thomas, and Clarence Thomas to the Landlord and shall end upon the death of Leola Williams or if the Tenant abandons the Premises as set out in Section 13 of this Occupancy Agreement. During the term of this Occupancy Agreement, Tenant shall have no obligation to pay rent to Landlord.

**2. SUBLET:** Tenant may not sub-let Premises, or transfer or assign this Occupancy Agreement.

**3. CASUALTY :** If Premises are made uninhabitable by fire or other casualty, this Occupancy Agreement shall be terminated.

**4. HOLD OVER:** Tenant shall deliver possession of the Premises in good order and repair to Landlord upon termination or expiration of this Occupancy Agreement.

**5. RIGHT OF ACCESS:**

(a) **Tenant.** Tenant shall have all rights necessary for personal ingress and egress to the Premises located on the Property. Notwithstanding the foregoing, Tenant shall not interfere with Landlord's reasonable access to the Property granted below.

(b) **Landlord.** Landlord, with reasonable notice to the Tenant, shall have an reasonable right of access to the Property necessary for maintenance, restoration, landscaping, construction or repair to the Property.

**6. USE:** The Premises shall be used for residential purposes only and shall be occupied only by the persons named in the Occupancy Agreement. Notwithstanding the foregoing, temporary occupancy by a care giver shall be permitted. The Premises shall be used so as to comply with all state, county and municipal laws and ordinances. Tenant shall not use the Premises or permit them to be used for any disorderly or unlawful purpose or in any way that would create a nuisance.

**7. RISK OF LOSS:** Landlord shall not be liable for damage to Tenant's property of any type for any reason or cause whatsoever, except where such is due to Landlord's negligence. Tenant shall obtain at her sole cost property insurance necessary to cover the value of the Property with an insurer reasonably acceptable to Landlord. Tenant shall provide a certificate of insurance naming Landlord as an additional insured upon the execution of this Occupancy Agreement. Tenant should obtain tenant insurance to protect household goods and personal effects as well as liability insurance.

**8. CONDITION AND MAINTENANCE OF PREMISES:** Tenant covenants that they have fully inspected the Premises, are fully aware of the physical condition of said Premises and hereby accept the Premises (including all improvements, equipment and systems situated thereon), in their present condition, as fully suitable for the purposes for which the same are leased. Tenant shall be responsible for all major deficiencies which create an unsafe or untenable

condition. Major repairs shall include plumbing, heating, cooling, built-in appliances or structural defects. Tenant shall make or cause to be made all Major repairs and all incidental repairs. Tenant may not remodel or structurally change the Premises nor remove any fixture therefrom without written authority from Landlord. Tenant agrees to bear the expense of keeping the Premises, and all fixtures installed therein, in good condition, ordinary wear and tear excepted, with the Tenant having the responsibility of making any and all non-routine repairs and replacements, including for those required as a result of Tenant's negligence. Tenant agrees to keep water and sewerage pipes clear of obstructions, to replace all broken or missing glass and to repair or replace broken or missing screens, unless damage is caused by outside forces over which Tenant has no control. Tenant shall not remove any shrubbery without the written consent of the Landlord.

**9. TAXES.** Tenant shall be solely responsible and ensure that all real estate property taxes assessed on the Property are timely paid. Landlord shall have no obligation to pay for any real estate taxes and may seek reimbursement for any real estate taxes for the Property.

**10. EVENTS OF DEFAULT:** Any of the following events shall constitute an event of default by Tenant:

- (a) failure to perform any of the other terms, conditions, obligations or covenants of Tenant hereunder, which failure shall continue for thirty (30) days after written notice from Landlord to Tenant; or
- (b) violation of any Rule or Regulation, as they may exist from time to time, which failure shall continue for thirty (30) days after written notice from Landlord to Tenant; or
- (c) failure to discharge any lien filed against the Premises as a result of Tenant's actions within ten (10) days of its filing; or
- (d) failure to occupy the Premises because of abandonment by Tenant or because of seizure pursuant to writ of possession or execution or other legal process.

**11. REMEDIES UPON DEFAULT:** Thirty (30) days following the occurrence of any event of default set out in Section 10, Landlord may exercise any one or more of the following remedies as well as any other remedy or remedies available at law or in equity:

- (a) Termination. The Landlord may terminate this Occupancy Agreement by giving written notice to Tenant, whereupon this Occupancy Agreement and all rights of Tenant to possess and occupy the Premises shall immediately terminate, whereupon Tenant shall be deemed a Tenant at sufferance.
- (b) Repossession. Whether or not Landlord has chosen to terminate the Occupancy Agreement, Landlord, as Tenant's agent, may enter upon and take possession of the Premises, and remove all persons and property therefrom.

**12. NOTICES:** All notices, demands or requests required or permitted to be given pursuant to this Occupancy Agreement shall be in writing and shall be deemed to have been properly given or served and shall be effective upon being deposited in the United States mail, postpaid and registered or certified with return receipt requested; provided, however, the time period in which a response to any notice, demand or request must be given shall commence on the date of receipt by the addressee thereof. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice has been given shall constitute receipt of the notice, demand or request sent. Any such notice, demand or request shall be sent to the respective addresses set forth below (or such other addresses as the party receiving the notice shall have earlier provided to the other party):

As to Landlord:  
447 Bull Street  
Savannah, GA 31401

As to Tenant:  
542 East 32<sup>nd</sup> Street  
Savannah, Georgia 31401

Any notice required by this Occupancy Agreement shall be in writing and shall be deemed to be given if delivered personally or mailed by registered or certified mail, return receipt requested.

**13. ABANDONMENT:** If Tenant vacates the Premises for a period in excess of ninety (90) days, the Premises may be considered abandoned, and Landlord shall have the right, without notice, to store or dispose of any property left on the Premises by Tenant. Landlord shall also have the right to store or dispose, at Tenant's expense, any of Tenant's property remaining on the Premises after the termination of this Occupancy Agreement. Any such property shall be considered Landlord's property and title thereto shall vest in Landlord.

**14. MORTGAGEE'S RIGHTS:** Tenant's right under this Occupancy Agreement shall at all times be automatically junior and subject to any deed to secure debt which is now or shall hereafter be placed on the Premises or the Property of which the Premises are a part; if requested, Tenant shall execute promptly any certificate that Landlord may request to specifically implement this paragraph.

**15. RULES AND REGULATIONS:** Tenant agrees to comply with the Rules and Regulations attached hereto and made a part hereof by this reference, receipt of a copy of which is hereby acknowledged by Tenant.

**16. ENTIRE AGREEMENT:** This Occupancy Agreement and any attached addendums constitute the entire agreement between the parties and no oral statements shall be binding.

**17. SPECIAL STIPULATIONS:** The following special stipulations shall control in the event of conflict with any of the foregoing:

- (a) This Occupancy Agreement shall inure to the benefit of, and be binding upon, the parties hereto, their heirs, successors, administrators, executors and assigns.
- (b) The interest of the Landlord in this Occupancy Agreement may be transferred or assigned without the written consent of the Tenant.
- (c) Tenant is not, nor will she become, a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of the Office of Foreign Assets Control ("**OFAC**") of the Department of the Treasury (including those named on OFAC's Specially Designated Nationals and Blocked Persons List) or under any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), or other governmental action and is not and will not engage in any dealings or transactions or be otherwise associated with such persons or entities. In the event of any violation of this provision, Landlord shall be entitled to immediately terminate this Occupancy Agreement without prior written notice to Tenant and to take such other actions as are permitted or required to be taken under law or in equity.

**[SIGNATURES ON THE FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be signed in person or by a person duly authorized the day and year first above written. We acknowledge that we are each jointly and severally responsible for performance of all covenants, terms and conditions of this Occupancy Agreement.

**Landlord:**  
SAVANNAH HISTORIC DEVELOPMENTS, L.L.C.  
By:   
J. Daniel Falligant, Agent

**[SIGNATURES CONTINUED ON FOLLOWING PAGE]**

[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

Tenant:

Leola Williams (Seal)  
Leola Williams

**RULES AND REGULATIONS**

(a) Storage: No goods or materials of any kind or description which are combustible or would increase fire risk shall be taken or placed in storage areas. Storage in such areas shall be at Tenant's risk and Landlord shall not be responsible for any loss or damage.

(b) Non-operative vehicles, including mobile homes, are not permitted on the Property. Any such non-operative vehicle may be removed by Landlord for storage or public or private sale, at Landlord's option and at Tenant's sole expense. Tenant owning same shall have no right or recourse against Landlord thereafter.

(c) The Tenant agrees to maintain the Premises in as good state as he finds it, reasonable wear and tear excepted. The Tenant agrees to keep his quarters in a clean and sanitary condition and to keep his yard clean, mowed and free of rubbish.

(d) Tenant will be responsible for payment of all utilities including garbage, water and sewage charge, electricity, and gas, even if the bills remain in the owner's name.

(e) The Premises shall be used so as to comply with all state, county and municipal laws and ordinances. Tenant shall not use the Premises or permit it to be used for any disorderly or unlawful purpose or in any way that would create a nuisance.

We acknowledge receipt of the foregoing Rules and Regulations and agree to abide by said Rules and Regulations at all times.

**Tenant:**

 (Seal)  
Leola Williams

**EXHIBIT "A"**

ALL that lot or parcel of land situate, lying and being in the City of Savannah, County of Chatham and State of Georgia, and known on the map of said City as Lot Number Fifty-Seven (57) and the western one-half of Lot Fifty-Six (56), Barry Ward. Said lots being located on the north side of Thirty-Second (32nd) Street with a forty-five (45) foot frontage. Said lot being bounded as follows: North by a lane; east by the eastern one-half (1/2) of Lot Fifty-Six (56); South by Thirty-Second (32nd) Street; and on the West by Lot Fifty-Eight (58), said Ward.

Lane, Clark and Co  
P.O. Box 6143  
Savannah, Ga. 31404

September 2, 2014

J. Daniel Falligant, Bouhan & Falligant  
447 Bull St  
Savannah, Ga. 31401

Re: Property: 546 E 32nd St and 548 E 32nd St (parcels 2-0053-28-004 and 6  
Savannah, GA 31401-7510  
Borrower: n/a  
File No.: 1408R-6488

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

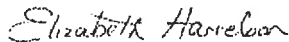
The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The value conclusions reported are as of the effective date stated in the body of the report and contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



Elizabeth W. Harrelson  
Lane, Clark and Company



## LAND APPRAISAL REPORT

n/a  
File No. 1408R-8488

Borrower <u>n/a</u>		Census Tract <u>0020.00</u> Map Reference <u>42340</u>		
Property Address <u>548 E 32nd St and 548 E 32nd St (parcels 2-0053-28-004 and 003)</u>				
City <u>Savannah</u>		County <u>Chatham</u>	State <u>GA</u> Zip Code <u>31401-7510</u>	
Legal Description <u>53 Barry Ward/54 Barry Ward</u>				
Sale Price \$ <u>n/a</u>	Date of Sale <u>n/a</u>	Loan Term <u>n/a</u> yrs.	Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD	
Actual Real Estate Taxes \$ <u>317</u> (yr)	Loan charges to be paid by seller \$ <u>n/a</u>		Other sales concessions <u>n/a</u>	
Lender/Client <u>J. Daniel Falligant, Bouhan &amp; Falligant</u>		Address <u>P.O. Box 2568, Columbia, SC 29202</u>		
Occupant <u>vacant land</u>	Appraiser <u>Elizabeth W. Harrelson</u>	Instructions to Appraiser <u>establish fair market value as of the date of</u>		
Inspection				
Location	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural	Good Avg. Fair Poor		
Built Up	<input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25% to 75% <input type="checkbox"/> Under 25%	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Growth Rate	<input type="checkbox"/> Fully Dev. <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Steady <input type="checkbox"/> Slow	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Property Values	<input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Demand/Supply	<input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Oversupply	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Marketing Time	<input type="checkbox"/> Under 3 Mos. <input type="checkbox"/> 4-6 Mos. <input checked="" type="checkbox"/> Over 6 Mos.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Present Land Use	<u>80% 1 Family</u> <u>10% 2-4 Family</u> <u>% Apts.</u> <u>5% Condo</u> <u>5% Commercial</u>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely (*) <input type="checkbox"/> Taking Place (*)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Predominant Occupancy	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant <u>% Vacant</u>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Single Family Price Range	<u>\$ 10,000</u> to <u>\$ 350,000</u> Predominant Value <u>\$ 60,000</u>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Single Family Age	<u>2 yrs. to</u> <u>125 yrs.</u> Predominant Age <u>85 yrs.</u>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): <u>See attached addenda.</u>				
Dimensions <u>30 x 100 Chatham County SAGIS maps</u> = <u>3,000</u> Sq. Ft. or Acres <input type="checkbox"/> Corner Lot				
Zoning classification <u>R-4</u>		Present Improvements <input checked="" type="checkbox"/> do <input type="checkbox"/> do not conform to zoning regulations		
Highest and best use <input type="checkbox"/> Present use <input checked="" type="checkbox"/> Other (specify) <u>improved with single family residential home</u>		Topo <u>appears level</u>		
Public <input type="checkbox"/> Other (Describe) <u>OFF SITE IMPROVEMENTS</u>		Size <u>3000 sf (per lot) per SAGIS maps</u>		
Elec. <input checked="" type="checkbox"/> Ga. Power	Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Shape <u>rectangular</u>		
Gas <input type="checkbox"/> Scana, etc.	Surface <u>asphalt</u>	View <u>neighborhood</u>		
Water <input checked="" type="checkbox"/> City	Maintenance <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Drainage <u>appears adequate</u>		
San. Sewer <input checked="" type="checkbox"/> City	<input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/> Curb/Gutter	Is the property located in a HUD Identified Special Flood Hazard Area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
<input type="checkbox"/> Underground Elect. & Tel.	<input checked="" type="checkbox"/> Sidewalk <input type="checkbox"/> Street Lights	There are no adverse conditions known to the		
Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): <u>appraiser. The subject is not located in a flood zone-subject to survey.</u>				
The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.				
ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<u>548 E 32nd St and 548 E 32nd St Savannah, Ga. 31401</u>	<u>207 E Anderson St Savannah, GA 31401</u>	<u>212 W 36th St Savannah, GA 31401</u>	<u>411 E 34th St Savannah, GA 31401</u>
Proximity to Subject		<u>0.26 miles NW</u>	<u>0.59 miles W</u>	<u>0.15 miles SW</u>
Sales Price	<u>\$ n/a</u>	<u>\$ 35,000</u>	<u>\$ 27,500</u>	<u>\$ 27,500</u>
Price per sf		<u>\$ 10.43</u>	<u>\$ 5.46</u>	<u>\$ 8.87</u>
Data Source	<u>inspection, deed recd</u>	<u>MLX 116371: deed records: taxr</u>	<u>MLX 102096 deed records: taxr</u>	<u>MLX 110237: deed records: taxr</u>
Date of Sale and Time Adjustment	<u>n/a</u>	<u>02/07/2014</u>	<u>04/16/2014</u>	<u>06/20/2013</u>
Location	<u>Barry Ward</u>	<u>Cumminas Wd</u>	<u>Flannery Wd</u>	<u>Garfield Wd</u>
Site/View	<u>3,000 sf</u>	<u>3354 sf/slm</u>	<u>5040 sf/sup</u>	<u>3100/slm</u>
View	<u>neighborhood</u>	<u>neighborhood</u>	<u>neighborhood</u>	<u>neighborhood</u>
Sales or Financing Concessions	<u>n/a</u>	<u>Cash none</u>	<u>Cash typical</u>	<u>Cash typical</u>
Net Adj. (Total)		<u>+ \$ -1,000</u>	<u>+ \$ -6,000</u>	<u>+ \$</u>
Indicated Value of Subject		<u>Net 2.9 % \$ 34,000</u>	<u>Net 21.8 % \$ 21,500</u>	<u>Net 0.0 % \$ 27,500</u>
Comments on Market Data: <u>See attached addenda.</u>				
Comments and Conditions of Appraisal: <u>It is assumed all access easement(s) are in place and recorded. See expanded scope of work comments. It is assumed this site is a buildable lot.</u>				
Final Reconciliation: <u>See attached addenda.</u>				
I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF <u>August 28, 2014</u> to be \$ <u>50,000</u>				
<u>Elizabeth Harrelson</u>				
Appraiser(s) <u>Elizabeth W. Harrelson</u> Review Appraiser (if applicable) <input type="checkbox"/> Did <input type="checkbox"/> Did Not Physically Inspect Property				

(Y2K)

Lane, Clark & Company (912) 355-8883  
Form LND - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

HRCSJC\_000033

## LAND APPRAISAL REPORT MARKET DATA ANALYSIS

R/B  
File No. 1408R-6488

	MARKET DATA ANALYSIS		COMMENTS	
	ITEM	SUBJECT PROPERTY	COMPARABLE NO. 4	COMPARABLE NO. 5
	Address	548 E 32nd St and 548 E 32nd St Savannah, Ga. 31401	1606 Price St Savannah, GA 31401	1606 Price St Savannah, GA 31401
	Proximity to Subject		0.07 miles W	0.07 miles W
	Sales Price	\$ n/a	\$ 14,000	\$ 24,300
	Price per sf	\$	\$ 5.18	\$ 9.00
	Data Source	inspection, deed recd	MLX 123043 deed records; taxr	MLX 123043 deed records; taxr
	Date of sale and Time Adjustment	n/a	05/08/2014	Listings
	Location	Barry Ward	Barry Ward	Barry Ward
	Site/View	3,000 sf neighborhood	2700 sf neighborhood +1,000	2700 sf neighborhood +1,000
	Sales or Financing Concessions	n/a		
	Net Adj. (Total)		+ - \$ 1,000	+ - \$ 1,000
	Indicated Value of Subject		Net 7.1 % \$ 15,000	Net 4.1 % \$ 25,300
	Comments: Comps 4 & 5 are added as further verification of the subject's value.			

Plat Map 546 E 32nd St

Borrower	n/a					
Property Address	546 E 32nd St and 548 E 32nd St (parcels 2-0053-28-004 and 003)					
City	Savannah	County	Chatham	State	GA	Zip Code 31401-7510
Lender/Client	J. Daniel Fallicent, Bouhan & Fallicent					



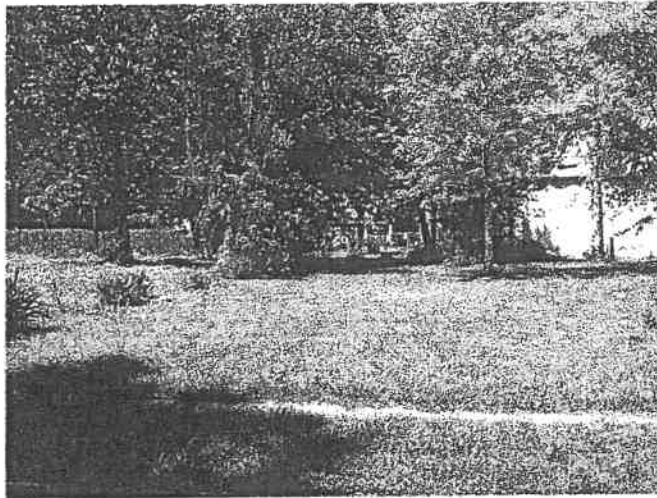
**Plat Map- 548 E 32nd St**

Borrower	n/a				
Property Address	548 E 32nd St and 548 E 32nd St (parcels 2-0053-28-004 and 003)				
City	Savannah	County	Chatham	State	GA Zip Code 31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant				



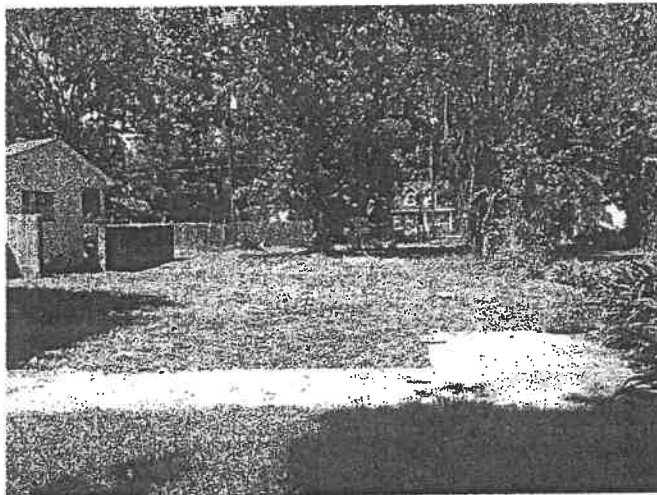
Subject Photos

Borrower	n/a				
Property Address	546 E 32nd St and 548 E 32nd St (parcels 2-0053-28-004 and 003)				
City	Savannah	County	Chatham	State	GA Zip Code 31401-7510
Lender/Client	J. Daniel Falligant, Bouhen & Falligant				



548 E 32nd ST

Sales Price n/a  
 Gross Living Area  
 Total Rooms  
 Total Bedrooms  
 Total Bathrooms  
 Location Barry Ward  
 View 3,000 sf  
 Site  
 Quality  
 Age



546 E 32nd St



Subject Street

## General Text Addendum

File No. 1408R-6488

Borrower	n/a				
Property Address	546 E 32nd St and 548 E 32nd St (parcels 2-0053-28-004 and 003)				
City	Savannah	County	Chatham	State	GA Zip Code 31401-7510
Lender/Client	J. Daniel Falligant, Bouhan & Falligant				

• **Land : Neighborhood Market Factors**

The subject is located on the east side of Savannah in an area within a few miles of the downtown historic district. Homes in this area are primarily single family primarily built in the early 1900's, however there are some new homes in the area as well as. This area has a number of homes which have been renovated. It is conveniently located to all services including schools, shopping, major roads and public transportation and is also an area popular for rentals to Savannah College of Art and Design students

• **Land : Market Data**

All comparables are located in the subject's marketing area and appeal to the same buyer as the subject property. Comps 1,2,3 and 4 are confirmed as closed transactions. Comp 5 is a listing.

**Sales and listing history of the subject property and comparables:**

No prior sales history for the subject within the previous 3 years. No prior sales history for the comparables within the previous 12 months. Site size differences over 100 square feet are adjusted at \$3 per sf. After adjustments a reasonable range of values exists.

• **Land: Final Reconciliation**

The sales comparison approach was developed for this analysis. The income approach and the cost approach are not applicable and therefore were not developed. Four sold comparables and a listing have been presented for this analysis. They indicate a value range of between \$15,000 and \$27,500. Comps 1, 4 & 5 required the least percentages of adjustments and were relied upon the most to determine the subject's value.

As of August 26, 2014, a value of \$25,000 has been determined for 548 E 32 St., Savannah, Ga. 31401.

As of August 26, 2014, a value of \$25,000 has been determined for 546 E 32 St, Savannah, Ga. 31401

The total value for the two lots together is \$50,000.

No services were performed by the appraiser in regards to the subject property within the 3 year period immediately preceding acceptance of this assignment, as an appraiser or in any other capacity.

This is a summary appraisal prepared for the use of the J.Daniel Falligant as the client.

I have no current or prospective interest in the subject property or the parties involved. I certify, as the appraiser, that I have completed all aspects of this valuation, including reconciling my opinion of value, free of influence from the client, client's representatives, borrower, or any other party to the transactions. The undersigned appraiser is responsible for preparing the above referenced appraisal report and hereby certify that the report was completed and the opinion of value developed in accordance with USPAP standards; and at no time did any employee, director, officer or agent of the lender or any other third party acting as a joint venture partner, independent contractor, appraisal company, appraisal management company, or partner on behalf of the lender, influence or attempt to influence the development, reporting, result or review of the report.

"My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Georgia Real Estate Appraiser Classifications and Regulation Act and the Rules and Regulations of the Georgia Real Estate Appraisers Board." (Real Estate Appraiser Classification and Regulation Act paragraph 539-3.02(1)(m) as amended August 1, 2006.

**Disclaimers:**

Unless otherwise stated within this report, the existence of hazardous materials, included, but limited to toxic waste, asbestos, radon gas, or urea formaldehyde foam insulation, which may or may not be present on the property, was not recognized by the appraiser. The appraiser has not knowledge of the existence of such materials on or in the subject property. The appraiser, however, is not qualified to detect such substances. The conclusions and opinions herein are predicated on the assumption that there is no such substance on or in the property that would contribute to or cause a loss in value. No responsibility is assumed for any such condition or the expertise required to discover them. The client is urged to retain an expert in this field if desired.

**USPAP Addendum-Exposure Time:**

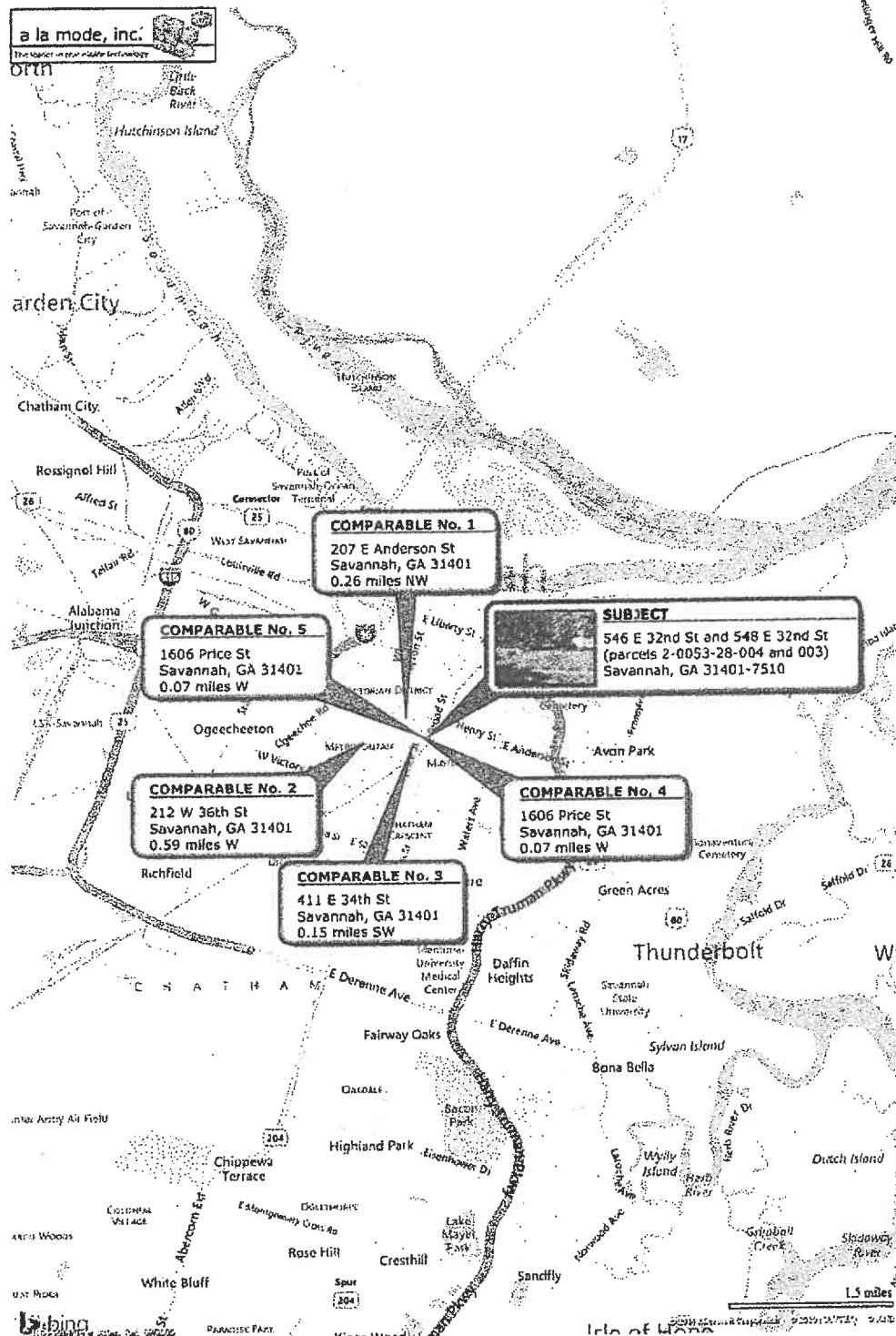
Exposure time is always presumed to precede the effective date of the appraisal. It is the estimated length of time the property would have been offered prior to a hypothetical market value sale on the effective date of the appraisal. It is a retrospective estimate based on an analysis of recent past events, assuming a competitive and open market. It assumes not only adequate, sufficient, and reasonable time but also adequate, sufficient, and reasonable marketing efforts. Exposure time and appraisal conclusions of value are therefore interrelated. Exposure time is often expressed as a range and based on direct and indirect market data gathered during the market analysis, sales verifications, interviews with market participants, and other appropriate sources. The amount of marketing time a property requires varies greatly depending on a number of factors including market conditions, listing price, terms of sale offered, and competitive listing inventory.

Typically 30 to 60 days is considered a reasonable amount of time for the property to be made known to potential purchasers through the news media, advertising, multiple listing service, etc. At the time a contract occurs, due diligence by the buyer, loan application, etc., can take an additional 30 to 60 days. Historically for this property type, properties have been on the market from 6 to 24 months, if reasonably priced.

Reasonable marketing time is the period a prospective investor would forecast to sell the subject property immediately after the date of value, at the value estimated. Anticipated marketing time is essentially a measure of the perceived level of risk associated with the marketability, or liquidity, of the subject as an investment grade property. The sources for this information include those used in estimating the reasonable exposure time, and also an analysis of anticipated changes in market conditions following the date of appraisal.

# Location Map

Borrower	n/a				
Property Address	546 E 32nd St and 548 E 32nd St (parcels 2-0053-28-004 and 003)				
City	Savannah	County	Chatham	State	GA
Zip Code	31401-7510				
Lender/Client	J. Daniel Failligant, Bouhan & Failligant				





**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

## STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower, the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.



**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks, I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** 546 E 32nd St and 546 E 32nd St (parcels 2-0053-28-004 and 003), Savannah, GA

**APPRAISER:**

Signature: Elizabeth W. Harrelson  
 Name: Elizabeth W. Harrelson  
 Date Signed: 09/02/2014  
 State Certification #: 311880  
 or State License #: \_\_\_\_\_  
 State: GA  
 Expiration Date of Certification or License: 08-31-2015

**SUPERVISORY APPRAISER (only if required):**

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_

☐ Did ☐ Did Not Inspect Property

# APPENDIX B

**Description:** The chart below contains an itemized list of all occasions in the past seven years on which Justice Thomas or a member of his family has been a passenger on a yacht or plane owned, directly or indirectly, by Mr. Crow.

Date	Mode of Transportation	Trip
5/7/2017	Plane	St. Louis, MO → Kalispell, MT
5/9/2017		Kalispell, MT → Dallas, TX
7/20/2017	Plane	Washington, D.C. → Santa Rosa, CA
7/23/2017		Santa Rosa, CA → Washington, D.C.
1/3/2018	Plane	Washington, D.C. → Dallas, TX
1/5/2018		Dallas, TX → Washington, D.C.
3/23/2019	Plane	Washington, D.C. → Savannah, GA
3/23/2019		Savannah, GA → Washington, D.C.
6/29/2019	Plane	Washington, D.C. → Indonesia
7/1/2019 – 7/8/2019	Yacht	Indonesia
7/9/2019	Plane	Indonesia → Washington, D.C.
7/18/2019	Plane	Washington, D.C. → Santa Rosa, CA
7/21/2019		Santa Rosa, CA → Washington, D.C.
6/29/2021	Plane	Washington, D.C. → San Jose, CA
6/29/2021		San Jose, CA → Washington, D.C.
7/2/2021	Plane	Omaha, NE → Saranac, NY

Date	Mode of Transportation	Trip
10/16/2021	Plane	Washington, D.C. → Teterboro, NJ
10/16/2021-10/17/2021	Yacht	New York
10/17/2021	Plane	Teterboro, NJ → Washington, D.C.
2/5/2022	Plane	Dallas, TX → Washington, D.C.
5/12/2022	Plane	Washington, D.C. → Dallas, TX
5/14/2022		Dallas, TX → Washington, D.C.
7/7/2022	Plane	Washington, D.C. → Saranac, NY
7/13/2022		Saranac, NY → Washington, D.C.

# APPENDIX C

## CONFIDENTIAL

**Description:** The chart below contains an itemized list of all occasions in the past seven years on which Justice Thomas or a member of his family has been provided lodging at a property or facility, other than possible occasional short stays at Mr. Crow's principal residence, of which no records are maintained, that are owned, directly or indirectly, by Mr. Crow.

<b>Date</b>	<b>Location</b>
7/10/2017 – 7/15/2017	Camp Topridge, Keese Mill, NY
7/3/2018 – 7/10/2018	Camp Topridge, Keese Mill, NY
7/22/2019 – 7/26/2019	Camp Topridge, Keese Mill, NY
7/28/2020 – 8/2/2020	Camp Topridge, Keese Mill, NY
7/2/2021 – 7/7/2021	Camp Topridge, Keese Mill, NY
7/8/2022 – 7/13/2022	Camp Topridge, Keese Mill, NY
7/12/2023 – 7/18/2023	Camp Topridge, Keese Mill, NY

# Appendix D

# Key Document A



DIANNE FEINSTEIN, CALIFORNIA  
 SHELDON WHITEHOUSE, RHODE ISLAND  
 AMY KLOBUCHAR, MINNESOTA  
 CHRISTOPHER A. COONS, DELAWARE  
 RICHARD BLUMENTHAL, CONNECTICUT  
 MAZIE HIRONO, HAWAII  
 CORY A. BOOKER, NEW JERSEY  
 ALEX PADILLA, CALIFORNIA  
 JON OSSOFF, GEORGIA  
 PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
 CHARLES E. GRASSLEY, IOWA  
 JOHN CORNYN, TEXAS  
 MICHAEL S. LEE, UTAH  
 TED CRUZ, TEXAS  
 JOSH HAWLEY, MISSOURI  
 TOM COTTON, ARKANSAS  
 JOHN KENNEDY, LOUISIANA  
 THOM TILLIS, NORTH CAROLINA  
 MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 11, 2023

Chilton Davis Varner  
 President  
 Supreme Court Historical Society  
 224 East Capitol St. NE  
 Washington, DC 20003

Dear Ms. Varner:

According to recent investigative reporting, individuals who may have had business interests or other interests before the Supreme Court have been able to gain personal and private access to Justices during occasions where Justices have accepted gifts of lodging and travel.<sup>1</sup> Moreover, these are not the only methods those with business before Court have used to gain personal and private access to Justices. Last year, the *New York Times* reported about access that donors to the Supreme Court Historical Society (“Society”) have to Justices.<sup>2</sup> We therefore write to request information regarding the ways in which the Society provides such access to its donors.

As part of and in addition to its educational mission, the Society organizes dinners and events that provide access to the Justices. Notably, not all of these events are open to the general public, allowing special access to donors. According to the *Times*, since 2003, the Society has raised more than \$6.4 million—or 60 percent of its donations—from corporations, special interest groups, or lawyers and firms that argued cases before the Court.<sup>3</sup> Of that percentage, at least \$4.7 million came from individuals or entities during a year in which they had an interest in a matter pending before the Courts of Appeals or the Court itself.<sup>4</sup> The Society has reportedly made clear that soliciting donations from those with interests before the Court was an intrinsic part of the Society’s fundraising model. David T. Pride, the Society’s Executive Director from 1979 through 2021, told the *Times* that the Society “was pretty unabashed about it,” and he justified this approach by remarking, “[w]ho wouldn’t expect that to be our constituency?”<sup>5</sup>

Regardless of the intentions behind this access, the ability of those with interests before the Court to obtain special access to the Justices—that is not available to all Americans—at minimum creates an appearance of undue influence that undermines the public’s trust in the Court’s impartiality. These revelations come at a time when public confidence in the Court is already at an all-time low, with only 37 percent of Americans reporting confidence in the Court.<sup>6</sup> Additionally, 72 percent of Americans support requiring Justices to disclose gifts and 69 percent are in favor of the Supreme Court adopting a code of conduct, suggesting that these steps could help restore confidence in the Court.<sup>7</sup>

<sup>1</sup> See, e.g., Joshua Kaplan, Justin Elliott, & Alex Mierjeski, *Clarence Thomas and the Billionaire*, PROPUBLICA (Apr. 6, 2023).

<sup>2</sup> Jo Becker & Julie Tate, *A Charity Tied to the Supreme Court Offers Donors Access to the Justices*, N.Y. TIMES (Dec. 30, 2022).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Marist Poll *National Adults, Interviews conducted April 17<sup>th</sup> through April 19<sup>th</sup>* (Apr. 24, 2023).

<sup>7</sup> See Economist & YouGov, *How Americans Feel About Clarence Thomas and Supreme Court Ethics* (April 12, 2023).

Maintaining faith in the impartiality of the federal judiciary is a necessary prerequisite for preserving the rule of law. In the absence of action by the Supreme Court to address shortcomings in its ethical standards and practices, Congress must act to restore faith in the Court by passing legislation that addresses those shortcomings. The Senate Judiciary Committee has jurisdiction over such legislation and is considering legislation strengthening the ethical rules and standards that apply to Justices of the Supreme Court. The information requested by this letter will help clarify the full scope of ethical concerns that the legislation must address. For these reasons, please provide the following information as soon as possible, but no later than July 25, 2023:

1. Please identify the full name of each current and former Officer to the Society and their years of service.
2. Please identify the full name of each current and former Trustee to the Society and their years of service.
3. Please identify the full name of everyone who has ever received lifetime membership in the Society and the year they became lifetime members.
4. Please identify all Society events that a Supreme Court Justice attended in person, including the date and the Justice(s) present, from January 1, 2003 to present.
5. For all events responsive to Question 4, please describe the nature of the event and indicate whether the event was open to the general public.
6. For all events responsive to Question 5 that were not open to the general public, please indicate whether attendance was restricted those who donated above a certain amount and what the donation amount was, and please identify the full name of each attendee. For attendees who were under the age of 18 at the time of the event, their names may be redacted.

Thank you for your attention to this important matter. We look forward to your prompt reply.

Sincerely,



Richard J. Durbin  
Chair, Senate Committee on  
the Judiciary



Sheldon Whitehouse  
Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights

# Key Document B

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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Facsimile:  
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August 7, 2023

**VIA ELECTRONIC MAIL**

Chairman Richard J. Durbin  
Committee on the Judiciary  
Chairman Sheldon Whitehouse  
Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

**Re: July 11, 2023 Letter to the Supreme Court Historical Society**

Dear Chairman Durbin and Subcommittee Chairman Whitehouse:

Thank you for your July 11, 2023 letter to the Supreme Court Historical Society (the "Society"). As discussed on our call with your Staff on July 21, 2023, this letter contains the Society's response to Requests 1-3 in your letter. The Society's response to Requests 4-6 will be forthcoming.

The Society welcomes the opportunity to address in a forthcoming response the concerns raised in your letter, which include allegations contained in reporting by *The New York Times* and other outlets. These articles inaccurately suggest that donations to the Society are tied to business before the Supreme Court. They are not. To the contrary, the Society is dedicated to preserving and collecting the history of the Supreme Court of the United States, increasing public awareness of the Court's contribution to our nation's rich constitutional heritage, and studying the history of the judicial branch. In light of this mission, the Society stringently refrains from engagement regarding current matters before the Court and recently decided cases.

**Request 1: Please identify the full name of each current and former Officer of the Society and their years of service.**

The Society has been fortunate to have been served by several long-time officers from a wide range of political and career backgrounds who have been dedicated to advancing its mission.

## KIRKLAND & ELLIS LLP

The Honorable Richard J. Durbin  
The Honorable Sheldon Whitehouse  
August 7, 2023  
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The list of current officers and trustees is transparently listed on the Society's website<sup>1</sup> and in each issue of the Society's *Journal of Supreme Court History*, an interdisciplinary collection of original articles and essays regarding the history of the Court. The *Journal* is published three times per year and includes authorship from historians, law professors, political scientists, art historians, lawyers, judges, oral advocates, journalists, and librarians. A list of the Society's core officers—comprising the positions of President, Chairman, Treasurer, Secretary, and Vice Presidents—from 2003 through the present, is included below.<sup>2</sup>

Officer	Position(s)
Vincent Burke Jr.	Vice President (2003-2004)
Vincent Burke III	Vice President (2005-2021)
Sheldon Cohen	Treasurer (2003-2014)
Virginia Daly	Secretary (2003-2008)
Robert Giuffra Jr.	Vice President (2017-2023)
Dorothy Tapper Goldman	Vice President (2003-2023)
Frank Jones	President (2003-2007) President Emeritus (2008-2011)
Gregory Joseph	Secretary (2009-2010) President (2011-2016) President Emeritus (2017-2018) Chair (2019-2023)
Robert Juceam	General Counsel (2003-2023)
Philip Kessler	Secretary (2011-2023)

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<sup>1</sup> <https://supremecourthistory.org/supreme-court-historical-society-officers-staff/>

<sup>2</sup> The Society's Annual Meeting, at which a slate of officers is approved, is typically held in June each year. Society officers serve terms in accordance with the Society's fiscal year, which runs from July 1 through June 30. The positions described herein reflect the officers listed in Issue 3 of the *Journal of Supreme Court History*, which is published in or around November of each year and displays on its masthead the current officers as approved in the preceding June.

## KIRKLAND & ELLIS LLP

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The Honorable Sheldon Whitehouse  
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Officer	Position(s)
Ralph Lancaster	Vice President (2005-2007) President (2008-2010) President Emeritus (2011-2012) Chairman (2013-2018)
Thomas Leighton	Vice President (2021-2023)
Jerome Libin	Vice President (2011-2020)
Cissy Marshall	Vice President (2009-2022)
John Nannes	Vice President (2023)
Dwight Opperman	Chair Emeritus (2003-2012)
Carter Phillips	Treasurer (2015-2023)
Barrett Prettyman	Vice President (2003-2010) VP Emeritus (2011-2014)
Richard Schneider	Vice President (2019-2023)
Leon Silverman	Chair (2003-2012) Chair Emeritus (2013-2014)
Chilton Varner	Vice President (2014-2016) President (2017-2023)

**Request 2: Please identify the full name of each current and former Trustee to the Society and their years of service.**

The Society is proud that since 2003 it has been served by more than 240 trustees, with more than 100 trustees typically serving each year. Trustees are drawn from a bipartisan cross-section of the Society's membership. Again, trustees are identified by name in each issue of the

## KIRKLAND & ELLIS LLP

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The Honorable Sheldon Whitehouse  
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*Journal of Supreme Court History.* A list of the Society's trustees, from 2003 through the present, is included below.<sup>3</sup>

Trustee	Years of Service
George Adams	2003-2009
J. Bruce Alverson	2004-2023
Bijan Amini	2016-2023
Robert Anello	2014-2023
Peter Angelos	2003-2020
Rudy Aragon	2016-2023
Dan Attridge	2021-2023
Martha Barnett	2005-2009
Hilarie Bass	2010-2018
Vincent Battaglia, Sr.	2003-2004
David Beck	2007-2023
Herman Belz	2003-2008
Max Berger	2009-2021
Boris Bershteyn	2020-2023
Barbara Black	2003-2006
Hugo Black, Jr.	2003-2008
Dennis Block	2010-2023
Frank Boardman	2003-2005
Darryl Bradford	2010-2012

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<sup>3</sup> The Board of Trustees convenes on or around June of each year to approve a new slate of trustees. The positions described herein reflect the trustees identified in Issue 3 of the *Journal of Supreme Court History*, which is published in or around November of each year and displays on its masthead the current trustees as approved in the preceding June.

## KIRKLAND & ELLIS LLP

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Trustee	Years of Service
Nancy Brennan	2004-2021
Beth Brinkmann	2007-2023
Norman Brothers, Jr.	2009-2020
Vera Brown	2003-2004
Wade Burger	2003-2004
Leonora Burger	2007-2023
Vincent Burke, Jr.	2003-2004
Vincent Burke, III	2003-2021
Patricia Dwinnell Butler	2003 2006-2008
Bradley Butwin	2016-2021
Robert Byman	2018-2023
Edmund Carpenter II	2004-2008
Evan Chesler	2010-2023
Benjamin Civiletti	2003
Paul Clement	2009-2023
Robert Clifford	2010-2023
Andrew Coats	2003-2006
Mark Cohen	2015-2023
Sheldon Cohen	2003-2014
William Coleman, Jr. <sup>4</sup>	2003
Charles Cooper	2003-2021
Michael Cooper	2004-2018

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<sup>4</sup> Trustee Emeritus



## KIRKLAND & ELLIS LLP

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Trustee	Years of Service
Todd Cosenza	2016-2023
Steven Cozen	2010-2023
Harlan Crow	2007-2023
Richard Cullen	2016-2023
Paul Curnin	2017-2020
John Dalton	2008-2013
Virginia Daly	2003-2009
Frank Damrelle	2021-2023
Laurie Webb Daniel	2013-2023
John Danielson	2023
F. Elwood Davis	2003
Drew Days, III	2009-2012
Walter Dellinger	2003-2006
Brackett Denniston, III	2010-2018
George Didden, III	2003-2007
Charlton Dietz	2003-2006
John Dolan	2003
Charles Douglas	2009-2020
Robert Dow <sup>5</sup>	2023
James Duff	2003-2023
William Edlund	2003-2007
Neil Eggleston	2022-2023
James Ellis	2003-2008

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<sup>5</sup> Honorary Trustee

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Trustee	Years of Service
John Elwood	2019-2023
Miguel Estrada	2003-2023
Thomas Evans	2003
James Figliulo	2010-2023
Wayne Fisher	2003
Sam Franklin	2018-2020
David Frederick	2006-2023
Foster Friess	2008-2010
Gregory Gallopoulos	2009-2023
Charles Galvin	2003-2007
Gregory Garre	2018-2023
James Gauch	2011-2023
Kenneth Geller	2007-2022
Frank Gilbert	2003-2015
Robert Giuffra, Jr.	2014-2023
Dorothy Goldman	2003-2023
James Goldman	2003-2023
Nestor M. Mendez Gomez	2018-2023
John Gordan, III	2003-2006
J. Warren Gorrell, Jr.	2021-2023
Robert Grey, Jr.	2007-2008
Frank Gundlach	2003-2008
Robert Gwinn	2003-2007
Christopher Handman	2013-2020
William Haynes, II	2008-2023

## KIRKLAND & ELLIS LLP

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Trustee	Years of Service
Geoffrey Hazard, Jr.	2003
Benjamin Heineman, Jr.	2004-2023
Allen Hill	2005-2007
Paul Hilal	2013-2023
Allyson Ho	2019-2023
Robert Hochman	2019-2023
Judith Hope	2003
Dick Howard	2004-2023
Ruth Insel	2003
Christy Jones	2011-2023
Frank Jones	2005-2011
Robert Jones	2003-2021
Gregory Joseph	2005-2023
Robert Juceam	2003-2023
Brad Karp	2009-2023
Neal Katyal	2013-2023
Judith Kaye	2011-2015
Scott Keller	2020-2023
Randall Kennedy	2004-2006
Philip Kessler	2008-2023
James Kilpatrick	2003 <sup>6</sup>
August Klein	2009-2020
Peter Knowles	2003-2004

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<sup>6</sup> Trustee Emeritus

## KIRKLAND & ELLIS LLP

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Trustee	Years of Service
Daniel Kolb	2010-2017 2019-2023
Philip Lacovara	2003-2023
Gene Lafitte	2003-2005
Ralph Lancaster, Jr.	2003-2018
Chris Landau	2010-2021
LeSalle Leffall	2003-2004
Thomas Leighton	2013-2023
David Leitch	2012-2023
Kathleen McCree Lewis	2005-2006
Alan Levine	2013-2021
Jerome Libin	2003-2020
Lewis Liman	2016-2023
Warren Lightfoot	2003-2005
Robert Lonergan	2009-2010
Robert Long	2013-2023
Joan Lukey	2005-2023
Neil MacBride	2018-2023
Howard Markey	2003 <sup>7</sup>
Stephen McAllister	2005-2007
Teri McClure	2007-2020
William McGuinness	2014-2023
Jami McKeon	2016-2023

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<sup>7</sup> Trustee Emeritus

## KIRKLAND & ELLIS LLP

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Trustee	Years of Service
Vincent McKusick	2003-2004
Francis McNamara, Jr.	2003
Maureen Mahoney	2003-2014
Gregory Maier	2008-2012
Cissy Marshall	2003-2022
Thurgood Marshall, Jr.	2003-2022
Jeremy Marwell	2021-2023
Deanne Maynard	2013-2023
Timothy Mayopoulos	2007-2014
Gregory Michael	2005-2007
Lee Miller	2010-2020
Patricia Millett	2012-2023
Jeff Minear	2007-2023
Ted Mirvis	2010-2023
Joe Moderow	2003-2008
Steven Molo	2010-2023
Thomas Monaghan	2008-2011
Michael Mone	2003-2020
Lucas Morel	2004-2023
Charles Morgan	2004-2012
James Morris III	2003-2017
James Mudd, Sr.	2009, 2011
William Murphy	2022-2023
Gary Naftalis	2010-2023
John Nannes	2003-2023

## KIRKLAND & ELLIS LLP

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Trustee	Years of Service
Steve Nealon	2003
Connie Newman	2021-2023
Rick Nydegger	2005-2021
James O'Hara	2003-2021
Brian O'Neill	2007-2011
Ron Olson	2010-2023
Ted Olson	2005-2023
David Onorato	2005-2010
Dwight Opperman	2003-2012
Barry Ostrager	2010-2021
Elizabeth Papez	2016-2023
Michael Park	2013-2019
R. Hewitt Pate	2012-2023
Deval Patrick	2003-2005
Farah Peterson	2022-2023
Carter Phillips	2004-2023
Leon Polsky	2003-2023
E. Barrett Prettyman, Jr.	2005-2014
Robert Price	2015-2023
Orage Quarles, III	2021-2023
James Quinn	2009-2023
John Quinn	2011-2021
Harry Reasoner	2003-2020
Bernard Reese	2003-2010
Abe Reich	2013-2021

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Trustee	Years of Service
Charles Renfrew	2003-2010
William Bradford Reynolds	2003-2006
Sally Rider	2003-2011
Carol Risher	2003
Harvey Rishikof	2005-2004
Jonathan Rose	2003-2011
Teresa Wynn Roseborough	2004-2023
Donald Rosenberg	2018-2021
Jonathan Rozoff	2016-2023
David Rubenstein	2016-2023
Jonathan Schiller	2012-2023
Richard Schneider	2005-2023
Barry Schwartz	2010-2012
David Scott	2005-2007
Jay Sekulow	2003-2023
Nicole Seligman	2007-2011
Kelly Shackelford	2009-2023
Pratik Shah	2016-2023
Kannon Shanmugam	2009-2011, 2021-2023
Steven Shapiro	2007-2018
John Siffert	2012-2023
Leon Silverman	2005-2014
David B. Smith	2022-2023
Michael Smith	2018-2023
Paul Smith	2015-2023

## KIRKLAND & ELLIS LLP

The Honorable Richard J. Durbin  
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Trustee	Years of Service
Jerold Solovy	2003-2010
Kenneth Starr	2003-2022
Mathew Staver	2007-2022
Andy (Mrs. Potter) Stewart	2007-2012
Cathleen Douglas Stone	2003-2023
Jeffrey Stone	2010-2023
Mikel Stout	2007-2012
Dennis Suplee	2007-2014
Stephen Sussman	2011-2019
Larry Thompson	2004-2011
Thomas Tongue	2012-2013
Mark Trahant	2021-2023
Ted Ulyot	2014-2020
Anton Valukas	2010-2021
Chilton Varner	2012-2023
Paul Verkuil	2014-2016
Donald Verrilli	2023
Alan Vickery	2013-2023
James Volling	2011-2023
Mark Wasserman	2018-2023
Seth Waxman	2003-2023
Dan Webb	2009-2021
Tal Weberg	2013-2021
David Weinstein	2011-2023
Arnold Wellman	2012



## KIRKLAND & ELLIS LLP

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Trustee	Years of Service
Agnes Williams	2003-2008
Lively Wilson	2003-2005
W. Wayne Withers	2007-2014
Foster Wollen	2003-2021
Don Wright	2003-2011
Gayle Wright	2017-2022
Bruce Yannett	2015-2023
Douglas Young	2019-2023
Stephen Zack	2019-2023
Dean Ziehl	2011-2021

**Request 3: Please identify the full name of everyone who has ever received lifetime membership in the Society and the year they became lifetime members.**

On rare occasion, the Society has granted lifetime membership to individuals who have provided support to the Society at key moments in the organization's history. There are no benefits associated with lifetime membership other than a waiver of the annual \$150 membership fee. No one has received lifetime membership since 2004. A list of all the lifetime members in the Society since its founding in 1974 is included below.

Lifetime Member	Year of Receipt
Charles Miller	1979
Ted Olson	1985
Mel Urofsky	1985
Vincent Burke Jr. (deceased)	1988
Dorothy Tapper Goldman (deceased)	1988
Dwight Oppermann (deceased)	1988
James O'Hara (deceased)	1990

## KIRKLAND & ELLIS LLP

The Honorable Richard J. Durbin  
The Honorable Sheldon Whitehouse  
August 7, 2023  
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Lifetime Member	Year of Receipt
Frank Jones (deceased)	1991
Fred Bently (deceased)	1996
H. Wayne House	1996
Cissy Marshall (deceased)	1996
Robert Price	2004

\* \* \* \* \*

If you have any questions regarding this letter, please let us know.

Sincerely,



W. Neil Eggleston

cc: The Honorable Linsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Right

# Key Document C

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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+1 202 389 5200

September 6, 2023

## VIA ELECTRONIC MAIL

Chairman Richard J. Durbin  
Committee on the Judiciary  
Chairman Sheldon Whitehouse  
Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: *July 11, 2023 Letter to the Supreme Court Historical Society*

Dear Chairman Durbin and Chairman Whitehouse:

Thank you for your July 11, 2023 letter to the Supreme Court Historical Society (the “Society”). On August 7, 2023, we provided responses to Requests 1-3 in your letter. As discussed on our call with Staff on July 21, 2023, this letter contains the Society’s response to Requests 4-6 in your letter.

The Society welcomes this opportunity to address concerns raised in your letter, which include allegations made in articles published in the *New York Times* and other outlets. The allegations are contrary to the Society’s fulfillment of its mission to preserve the Supreme Court’s history and increase public awareness of the Court’s unique contribution to our country’s constitutional heritage.

The Supreme Court Historical Society was founded in 1974 by Chief Justice Warren E. Burger, who served as its first honorary chairman. The organization is dedicated to the collection and preservation of the history of the Supreme Court. Upon its founding, Chief Justice Burger noted how, in addition to preserving “the history of the Supreme Court” by saving “memorabilia, art, and documents that have gathered dust for too long in storerooms and attics” for study by future generations, he was confident that the Society would “encourage research on all aspects of

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the Court and on the rich and varied traditions and personalities that are part of its history.”<sup>1</sup> Chief Justice John Roberts, Jr. currently serves as the Society’s honorary chairman.

Given this background, the Society naturally maintains certain ties with the Court relating entirely to its history. The Society’s programming does not provide for meetings with any Justices on Court business—and certainly not for purposes of matters currently before the Court—nor does participation in Society events facilitate such an occurrence. The Society is nonpartisan and does not take positions on pending matters before the Court, nor does it comment on recently decided cases. The Society does not engage in lobbying activities, submit amicus briefs, or have any role in the selection, vetting, nomination, or confirmation of Justices or of cases to be heard or being decided by the Court.

Furthermore, membership in the Society and participation in its educational programming and events does not afford even unscrupulous individuals with private or exclusive access to Supreme Court Justices. Membership in the Society and access to its events and programming is not exclusive or restricted to a select group of individuals. The Society has approximately 2,500 members, and anyone can instantly become a member through the Society’s website. The annual membership fees are modest, with a general membership fee of \$150, or \$50 for students.

While critical articles attempt to make the Society’s openness seem inappropriate, going as far to suggest that it provides “an in for ideologues, at an affordable price,” the Society is proud of its accessibility to the public.<sup>2</sup> The Society’s educational mission makes the organization, by definition, an expansive and inclusive one. The Society conducts ongoing outreach programs designed to expand Americans’ understanding of the Supreme Court, the Constitution, and the judicial branch. The Society cosponsors Street Law Inc.’s summer institute, which trains secondary school teachers on how to educate their students about the Court and the Constitution. The Society also maintains a library of online resources, journal articles, lesson plans, and programming—most of which are free and publicly accessible. The Society publishes an interdisciplinary journal three times each year, which features original scholarship from historians, legal scholars, and political scientists dedicated to educating the public about the history of the Supreme Court in a format that is accessible and appealing to readers from all backgrounds. As explicitly noted on the Society’s website, submissions to the journal featuring current Justices or recent cases are generally not considered.

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<sup>1</sup> Supreme Court Historical Society, *The Society’s Mission*, <https://supremecourthistory.org/supreme-court-historical-society-mission/> (last visited Aug. 31, 2023).

<sup>2</sup> *Id.*

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The Society appreciates the opportunity to address the inaccuracies and misleading nature of the articles referenced in your July 11, 2023 letter. Among the claims included in the *New York Times*' reporting, and referenced in your July 11, 2023 letter, is the allegation that 60% of the Society's funding over the past two decades has come from individuals or entities with current business before the Supreme Court or the Courts of Appeals.<sup>3</sup>

The *Times*' contentions are highly misleading. First, as noted elsewhere in this letter, contributions to the Society, no matter how large or from whom they come, do not give the donor the ability to influence the Court. The most a contribution gets the donor is the ability to attend a large group function where the donor, like other attendees, will not have private time with any Justice.

Second, the *Times* included in its calculations individuals or entities with business before the Courts of Appeals. The Society's mission primarily involves the history of the Supreme Court, not the Courts of Appeals. The Supreme Court Historical Society is not affiliated or connected in mission or organically with the various Circuit Courts of Appeals. Most Courts of Appeals have their own separate Historical Society and convenes its own judicial conferences. The Society does not have and has not sought information about event attendees at those Historical Societies or at Circuit Conferences—places where lawyers and members of the public may meet with individuals in the Circuit Judiciary and with the Circuit Justice if in attendance. Moreover, the Society does not contribute funds to Circuit Historical Societies, and it does not have records of those Societies' members. Although the *Times*' reporting insinuates that donations from individuals or entities provides those donors with special access to or influence over judges, that allegation is untrue. A litigant who has a case in the Second Circuit, for instance, gains no access to Second Circuit judges by making a donation to the Supreme Court Historical Society. Further, and contrary to the *Times*' allegations about the Society's donors, the vast majority of donations to the Society are from individual members, not corporations. Neither the corporations' nor the individuals' donations to the Society give them any influence over the Court's decisions—a fact with which, the *New York Times* notes, even the Society's critics agree.

Third, the Society has identified several flaws in the *Times*' claim that a significant portion of the funds the Society raised from 2003 to the present came from litigants with matters before the Courts of Appeals or the Supreme Court. The *Times* traced less than half of the contributions that it claims the Society raised since 2003 and then made generalizations from that partial tracing. Remarkably, the *Times* even got wrong the total amount that the Society has raised during that period, information that is publicly available in the Society's IRS filings. Even taking the *New York Times*' calculations at face value, the figures cited in the reporting comprise a significantly

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<sup>3</sup> Jo Becker & Julie Tate, *A Charity Tied to the Supreme Court Offers Donors Access to the Justices*, N.Y. TIMES (Dec. 30, 2022).

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smaller percentage of the Society's contributions over the past 20 years than the *Times* posits. The *Times'* analysis is rendered even more meaningless by its combination of donations from litigants before the Courts of Appeals as well as the Supreme Court since the Society has no meaningful connection with the Courts of Appeals.

The Committee's letter further states: "The Society has reportedly made clear that soliciting donations from those with interests before the Court was an intrinsic part of the Society's fundraising model." The *Times* quoted David T. Pride, the Society's former Executive Director, who was not speaking for or on behalf of the Society, that he "was pretty unabashed about it," and he justified this approach by remarking, "[w]ho wouldn't expect that to be our constituency?" Yet the implication that arises from these juxtaposed comments provides an impression that is incorrect. The Society's core constituency of members, unsurprisingly, is composed largely of lawyers and historians who are interested in the history of the Court, because that is the Society's mission. The Society does not target litigants before the Court or lawyers for those litigants in its membership or fundraising. Further, the Society does not track who has cases in front of the Court and has never solicited a donation from someone on that basis.

The Society's programming and events do not provide private one-on-one interactions with Justices. In the event that a Justice attends one of the Society's events, individual interaction with a Justice is in public, and social interchange at an event or post-event reception is very limited. While Justices have graciously attended Society events at the Court, introduced certain programming hosted by the Society, or have served on panel discussions at Society events, attendees have only a fleeting opportunity to engage with a Justice, and certainly not privately.<sup>4</sup> Even if an attendee is able to engage in a passing exchange with a Justice at a reception following a program or event, any discussion of substantive matters before the Court is against the protocol of both the Society and the Supreme Court. The Society expects that the United States Senators who attended dinners that the Society has hosted at the Court would attest that the Society's events and programming are not a forum for influence and lobbying, but rather an opportunity for communion among fellow legal history buffs.<sup>5</sup> As a result, even extensive investigative reporting critical of the Society "did not find evidence that the Society's benefactors discussed pending cases with Justices at Society events."<sup>6</sup> This assertion is bolstered by the Society's own experience: in the Society's nearly 50-

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<sup>4</sup> Former Chief Justice Warren E. Burger implemented a policy, by which the Court still abides, requiring that any programming held on the premises of the Supreme Court must be attended by a Justice. The motivation behind this policy was to impose only upon the resources of the Court—including its staff and security—for events in which a Justice was interested in participating to some degree.

<sup>5</sup> See Response to Request 6 below.

<sup>6</sup> Katherine Long and Jack Newsham, *The Supreme Court's back door*, INSIDER (Jan. 11, 2023).

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year history, no Justice has ever reported that anyone at a Society event or program has ever approached them about a matter before the Court.

Any impression that the Society is a vehicle for elite individuals to access and influence the current members of the Court—claims which have been circulated in recent reporting—are therefore inaccurate and misinformed. Indeed, the *Times* article cited in your letter admitted that “no one interviewed by the *Times*, including the critics of the Society’s fund-raising practices, said they believed that donations to the Society had any bearing on cases before the Justices.” The article further conceded that one of the donors it alleged had interests before the Court, Chevron Corporation, confirmed that its donations to the Society were made “in the spirit of furthering its stated mission of preserving the [C]ourt’s history,” unequivocally clarifying that “[t]here is no other motivation.”<sup>7</sup>

To be clear, the Society is deeply troubled by any impression that its educational programming and events could have been inappropriately used by those with an agenda. The individual claiming to have obtained “inside information” about a Court decision from a donor who had given to both his faith-based organization and to the Society—a leak that both the Justice and the donor involved have denied—testified that he never informed anyone at the Society of his alleged aim of using “stealth missionaries” to try to influence Justices.<sup>8</sup> Moreover, the individual who made this claim said that he used the events at the Society to strike up a social interaction with the Justice, and that no leak occurred at a Society event. He has also apologized to the Society for his conduct.

The Society is therefore pleased to provide the requested information to the Committee and address the misleading impressions of the Society that have circulated in recent public reporting. The Society hopes that its response underscores its commitment to preserving the history of the Supreme Court for individuals from all walks of life for generations to come.

**Request 4: Please identify all Society events that a Supreme Court Justice attended in person, including the date and the Justice(s) present, from January 1, 2003 to the present.**

Prior to 2019, the vast majority of the Society’s records were maintained in paper format. While the Society has embarked on a process of modernizing its recordkeeping by moving to electronic records in recent years, not all records have been retained, and records generally indicate

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<sup>7</sup> Jo Becker & Julie Tate, *A Charity Tied to the Supreme Court Offers Donors Access to the Justices*, N.Y. TIMES (Dec. 30, 2022).

<sup>8</sup> Testimony of Rev. Robert Schenck, December 8, 2022, U.S. House of Representatives Committee on the Judiciary Hearing, page 9.



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initial attendance but not whether the individuals listed stayed for any receptions following the Society's programming. Therefore, to the best of the Society's knowledge, in addition to the Society's Annual Meeting and Senate dinners described in response to Request 6 below, Supreme Court Justices have attended in-person the following Society events since January 1, 2003:

Date	Event (All Events Open to the Public)	Justice Attendee
<b>LEON SILVERMAN LECTURES<sup>9</sup></b>		
2004 – The Supreme Court and Advocates		
2/19/2004	Supreme Court Advocacy in the Early 19th Century	Rehnquist
2/26/2004	Ex-Justice Campbell and Creative Advocacy	Souter
3/31/2004	Louis Brandeis: Advocate Before and On the Bench	Breyer
4/21/2004	Women as Advocates Before the Court	O'Conner
4/29/2004	The Solicitors' General Office: A Discussion	Ginsburg
2005 – President Thomas Jefferson, Chief Justice John Marshall, the Supreme Court, and the Constitution		
2/23/2005	Jefferson's Trio of Appointments to the Court	Sally Rider for Rehnquist
3/23/2005	Jefferson and the Indian Tribes: Native American Sovereignty and the Court	O'Conner
4/4/2005	Jefferson's Legacy to the Court: Freedom of Religion	Ginsburg
4/20/2005	Jefferson and the Rise of Supreme Court Power	Souter
5/4/2005	President Jefferson and Chief Justice Marshall	Breyer
2006 – Dissents and Dissenters		
3/9/2006	Chief Justice William Howard Taft: Manager of Dissents	Souter
3/23/2006	The Dissents of John Marshall Harlan I	Ginsburg

<sup>9</sup> With the exception of the March 2010 Conversation on Original Intent and a Living Constitution, in which Justices Breyer and Scalia participated, Justices attending the Silverman Lectures merely introduce the discussion and do not prepare or otherwise partake in the lectures.

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5/2/2006	Justice William Johnson: The First “Great” Dissenter	Scalia
5/11/2006	The <i>Dred Scott</i> Dissents (1857)	Roberts
5/18/2006	The Income Tax Case Dissents	Alito
12/7/2006	The Gilded Age and the Supreme Court: An Overview	Ginsburg
2007 – Associate Justices of the Gilded Age		
2/27/2007	Associate Justice Samuel Miller	Alito
3/6/2007	Associate Justice Stephen Field	Jeff Minear for Roberts
4/26/2007	Associate Justice Stanley Matthews	Scalia
5/7/2007	Associate Justice David Brewer	Souter
2008 – The Ephemeral Nature of Landmark Cases		
3/26/2008	<i>Ex Parte Merryman</i> (1861) and <i>Ex Parte Milligan</i> (1866)	Thomas
4/1/2008	<i>Gobitis</i> (1940) and <i>Barnette</i> (1943)	Roberts
4/9/2008	<i>National League of Cities</i> (1976)	Jeff Minear for Roberts
4/30/2008	<i>Dennis v. United States</i> (1951)	Jeff Minear for Roberts
5/22/2008	<i>Swift</i> (1905) and <i>Erie</i> (1938)	Souter
2009 – The Supreme Court and President Lincoln		
3/24/2009	Lincoln and the Redefinition of American Democracy	Alito
4/21/2009	Lincoln and Chief Justice Roger Taney	Souter
4/28/2009	Lincoln and the Constitution: His Views on Liberty	Thomas
5/14/2009	Lincoln as Lawyer	Stevens
2010 – The Supreme Court and Separation of Powers		
3/23/2010	A Conversation on Original Intent and a Living Constitution	Scalia and Breyer
4/20/2010	The Supreme Court and Appointments to the Bench	Roberts

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4/27/2010	The Supreme Court and the Eleventh Amendment	Thomas
5/11/2010	<i>Marbury v. Madison</i> (1803)	Sotomayor
2011 – People Behind the Court’s Religion Cases		
3/16/2011	The <i>Yoder</i> Case (1972)	Alito
4/28/2011	The <i>Reynolds</i> Case (1879)	Ginsburg
5/5/2011	The <i>Kedroff</i> Case (1952)	Roberts
5/10/2011	The <i>Schempp</i> Case (1963)	Kennedy
2012 – The Supreme Court and Property Rights		
3/14/2012	The Founders and Property Rights	Jeff Minear for Roberts
5/2/2012	Property Rights and the Gilded Age: Stephen Field and His Legacy	Jeff Minear for Roberts
5/23/2012	The History of the Commerce Clause and the Court in the 19 <sup>th</sup> Century	Sotomayor
10/10/2012	The History of the Takings Clause and the Supreme Court	Breyer
11/14/2012	The History of Native American Lands and the Supreme Court	Ginsburg
2013 – Litigants in Landmark 20 <sup>th</sup> Century Cases		
5/1/2013	Gonzalo and Felicitas Mendez ( <i>Mendez v. Westminister</i> ) (1947)	Scalia
5/8/2013	J.D. Shelly ( <i>Shelley v. Kraemer</i> ) (1948)	Thomas (on behalf of Breyer)
10/23/2013	Robert Bell ( <i>Bell v. Maryland</i> ) (1964)	Kagan
11/6/2013	John and Mary Beth Tinker ( <i>Tinker v. Des Moines School District</i> ) (1969)	Alito
2014 – The Supreme Court and the Civil War Revisited		
5/1/2014	Dred Scott and the Origins of the Civil War	Ginsburg
5/8/2014	Justice Oliver Wendall Holmes and the Civil War: How it Shaped Him	Clerk Scott Harris for Roberts
10/16/2014	Chief Justice Roger B. Taney and the Civil War	Scalia

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11/13/2014	President Lincoln, the Supreme Court, and the Civil War	Kagan
2015 – The Supreme Court and Reconstruction		
3/11/2015	The Supreme Court, Reconstruction, and the Meaning of the Civil War	Kennedy
5/13/2015	The Lost History of the Reconstruction Amendments	Ginsburg
10/14/2015	The Reconstruction of Rights	Kagan
10/28/2015	<i>Slaughter-House Cases</i> (1873)	Thomas
2016 – The Supreme Court and the Progressive Era		
5/11/2016	The Court and the Chinese Exclusion Cases (1889)	Clerk Scott Harris for Roberts
5/25/2016	<i>Lochner</i> Revisited, A Conversation between Paul Kens and Randy Barnett (1905)	Breyer
11/2/2016	The Court and Property Rights in the Progressive Era	Alito
11/16/2016	Sacco and Vanzetti and the Supreme Court	Ginsburg
2017 – Supreme Court Justices in Presidential Cabinets		
10/4/2017	John Jay and John Marshall—Secretaries of State in the New Republic	Thomas
10/18/2017	Salmon P. Chase and Abraham Lincoln	Ginsburg
11/1/2017	Attorney General Robert Jackson and President Roosevelt	Roberts
12/6/2017	Answering the Call—Leaving the Bench to Serve the President: James Byrnes and FDR	Breyer
2018 – The Supreme Court and World War I		
10/10/2018	World War One and the Court in Context	Sotomayor
10/17/2018	Charles Evans Hughes and the Constitutional War Powers	Gorsuch
10/23/2018	<i>Arver v. United States</i> , also known as the Selective Draft Law Cases (1918)	Kagan
12/6/2018	Free Speech Cases of World War One	Kagan (on behalf of Ginsburg)

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2019 – Dissent in the Court’s History		
10/16/2019	The Dissent as Concurrence—From Fletcher to Whitney	Breyer
10/24/2019	Dissents from Outside the Judiciary—The Southern Manifesto as a Dissent to the Brown Decisions	Kagan
11/6/2019	Prescient Dissents—Justice Bradley and the <i>Slaughter-House</i> Cases (1873)	Sotomayor
11/20/2019	The Lone Dissenter – William Rehnquist, Associate Justice	Kavanaugh
FRANK C. JONES REENACTMENTS		
4/1/2006	Reenactment of the <i>Aaron Burr Treason Trial</i> (1807)	Scalia
12/1/2008	Reenactment of <i>Muller v. Oregon</i> (1908)	Ginsburg
10/1/2010	Reenactment of <i>Ware v. Hylton</i> (1796)	Alito
11/1/2011	Reenactment of <i>Texas v. White</i> (1869)	Scalia
5/1/2013	Reenactment of <i>Flood v. Kuhn</i> (1972)	Sotomayor
10/1/2014	Reenactment of <i>McCullough v. Maryland</i> (1819)	Breyer
5/1/2017	Reenactment of <i>Goessart v. Cleary</i> (1948)	Ginsburg
11/1/2017	Reenactment of <i>Clay v. United States</i> (1971)	Sotomayor
SPECIAL EVENTS		
12/1/2009	National Heritage Lecture –Office of the Solicitor General	Kennedy
4/1/2006	Erwin N. Griswold Prize—CCB: the Life and Century of Charles C. Burlingham	Scalia
4/1/2014	Judging Judges—Panel on Judicial Biography	Alito
5/1/2014	National Heritage Lecture—The Warren Commission at 50	Roberts
4/1/2015	George Washington and the Court	Alito
3/1/2017	National Heritage Lecture –50th Anniversary of Thurgood Marshall's First Term on the Court	Kagan



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5/1/2017	Panel on <i>Gideon v. Wainwright</i> (1963)	Breyer
5/1/2018	Modes of Constitutional Interpretation	Ginsburg
JOINT EVENTS		
12/1/2014	Salmon Chase and the Court	Kagan
12/1/2015	The 13th Amendment at 150	Jeff Minear on behalf of Roberts
12/1/2016	James Madison and the Bill of Rights	Breyer
12/1/2017	James Wilson	Kagan
12/1/2018	Thomas Cooley	Scott Harris on behalf of Roberts
12/1/2019	<i>McCullough v. Maryland</i> at 200	Christine Fallon on behalf of Roberts

**Request 5: For all events responsive to Request 4, please describe the nature of the event and indicate whether the event was open to the general public.**

Please see above response to Request 4.

**Request 6: For all events responsive to Question 5 that were not open to the general public, please indicate whether attendance was restricted to those who donated above a certain amount and what the donation amount was, and please identify the full name of each attendee. For events who were under the age of 18 at the time of the event, their names may be redacted.**

The Society is only aware of two categories of events since January 1, 2003 that were not open to all members of the public.

The Society co-hosted biannual dinners for United States Senators and Senators-Elect alongside the Freedom Forum, a nonpartisan 501(c)(3) organization committed to fostering First Amendment freedoms. Attendance was limited to Senators and Senators-Elect, plus their spouse or guest; Supreme Court Historical Society and Freedom Foundation officers, directors, or guests; and Supreme Court Justices and members of the Court staff. The Society hosted the last of these

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events more than 10 years ago, in 2011. To the best of the Society's knowledge, the following individuals attended the Biannual Senate dinners from 2003 through the present:<sup>10</sup>

Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Akaka	Daniel	US Senate			x		
Akaka		Daughter of D. Akaka			x		
Alexander	Lamar	US Senate	x		x	x	x
Alexander		Spouse of L. Alexander	x		x	x	x
Alito	Samuel	Supreme Court Justice			x		x
Alito		Spouse of S. Alito			x		x
Allard	Wayne	US Senate		x	x		
Allard		Spouse of W. Allard		x	x		
Allen	George	US Senate	x				
Allen		Spouse of G. Allen	x				
Angelos	Peter	Supreme Court Historical Society			x	x	
Angelos		Spouse of P. Angelos			x	x	
Ayotte	Kelly	US Senate					x
Ayotte		Guest of K. Ayote					x
Baker	Howard	Guest of Freedom Forum			x		
Baker	Nancy	Guest of Freedom Forum			x		
Black	Barry	Freedom Forum		x	x		
Black		Spouse of B. Black		x	x		
Barrasso	John	US Senate				x	x
Barrasso		Spouse of J. Barrosso				x	x
Baucus	Max	US Senate					x
Baucus		Spouse of M. Baucus					x
Bayh	Evan	US Senate	x			x	
Bayh		Spouse of E. Bayh				x	
Begich	Mark	US Senate				x	x
Begich		Spouse of M. Begich				x	x

<sup>10</sup> Certain individuals are listed in the below chart without any dates of attendance. The Society's records indicate that these individuals registered for the event, although the Society was not able to identify records confirming their attendance.

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Bennett	Robert	US Senate	x	x	x	x	
Bennett		Spouse of R. Bennett	x	x	x	x	
Bennett	Michael	US Senate					x
Bennett		Spouse of M. Bennett					x
Biden	Joseph	US Senate	x		x		
Biden		Spouse of J. Biden	x		x		
Bingaman	Jeff	US Senate	x			x	x
Bingaman		Spouse of J. Bingaman	x			x	x
Black	Barry	US Senate Chaplain				x	
Black		Spouse of B. Black				x	
Blumenthal	Richard	US Senate					x
Blumenthal		Spouse of R. Blumenthal					x
Blunt	Roy	US Senate					x
Blunt		Spouse of R. Blunt					x
Bond	Christopher	US Senate	x		x	x	
Bond		Spouse of C. Bond	x		x	x	
Boozman	John	US Senate					x
Boozman		Spouse of J. Boozman					x
Boxer	Barbara	US Senate	x	x	x	x	
Boxer		Spouse of B. Boxer	x	x	x	x	
Breaux	John	US Senate	x				
Breaux		Spouse of J. Breaux	x				
Breyer	Stephen	Supreme Court Justice	x	x	x	x	x
Breyer		Spouse of S. Breyer	x	x			x
Brown	Scott	US Senate					x
Brown		Spouse of S. Brown					x
Brown	Sherrod	US Senate				x	x
Brown		Spouse of S. Brown				x	x
Brownback	Sam	US Senate				x	
Brownback		Spouse of S. Brownback					
Bunning	Jim	US Senate			x	x	
Bunning		Spouse of J. Bunning			x	x	



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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Burke, III	Vincent	Supreme Court Historical Society	x	x	x	x	x
Burns	Conrad	US Senate	x	x			
Burns		Spouse of C. Burns	x	x			
Burr	Richard	US Senate				x	x
Burr		Spouse of R. Burr				x	x
Burr	Richard	Senator Elect			x		
Burr		Spouse of R. Burr			x		
Burris	Roland	US Senate				x	
Byrd	Robert	US Senate					
Byrd		Spouse of R. Byrd					
Calautti	Guest	Guest			x	x	x
Campbell	Ben	US Senate					
Campbell		Spouse of B. Campbell					
Cantwell	Maria	US Senate			x		
Cantwell		Spouse of M. Cantwell			x		
Cardin	Ben	US Senate			x	x	x
Cardin		Spouse of B. Cardin			x	x	x
Carper	Thomas	US Senate	x				
Carper		Spouse of T. Carper	x				
Casey	Robert	US Senate			x	x	x
Casey		Spouse of R. Casey			x	x	x
Chafee	Lincoln	US Senate					
Chafee		Spouse of L. Chafee					
Chambliss	Saxby	US Senate	x	x	x	x	x
Chambliss		Spouse of S. Chambliss	x	x	x	x	x
Cheney	Dick	US Senate	x				
Cheney		Spouse of D. Cheney	x				
Clinton	Hillary	US Senate					
Clinton		Spouse of H. Clinton					
Coats	Daniel	US Senate					x
Coats		Spouse of D. Coats					x
Cohen	Sheldon	Supreme Court Historical Society	x	x	x	x	

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Cohen		Spouse of S. Cohen				x	
Coburn	Tom	US Senate				x	x
Coburn		Spouse of T. Coburn				x	x
Coburn	Tom	Senator Elect					
Coburn		Spouse of T. Coburn					
Cochran	Thad	US Senate			x		
Cochran		Spouse of T. Cochran			x		
Coffrey	Shelby	Freedom Forum			x	x	
Coleman	Michael	Freedom Forum					x
Coleman	Norm	US Senate	x		x		
Coleman		Spouse of N. Coleman	x				
Collins	Susan	US Senate	x	x	x	x	x
Conrad	Kent	US Senate			x	x	x
Coons	Christopher	US Senate					
Coons		Spouse of C. Coons					
Corker	Bob	US Senate			x	x	
Cornyn	John	US Senate		x	x	x	x
Cornyn		Spouse of J. Cornyn		x	x	x	x
Corzine	Jon	US Senate					
Corzine		Guest					
Craig	Larry	US Senate	x		x		
Craig		Spouse of L. Craig	x		x		
Crapo	Michael	US Senate		x			
Crapo		Spouse of M. Crapo		x			
Daffron	Tom	Spouse of S. Collins	x	x	x	x	x
Daschle	Tom	US Senate	x				
Daschle		Spouse of T. Daschle	x				
Daschle	Tom	Guest of Freedom Forum			x		
Daschle	Linda	Guest of Freedom Forum			x		
Davis	Lula	Secretary for the Senate Majority				x	
Dayton	Mark	US Senate					
Dayton		Spouse of M. Dayton					

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
DeMint	Jim	Senator Elect			x		x
DeMint		Spouse of J. DeMint			x		x
DeWine	Mike	US Senate	x				
DeWine		Spouse of M. DeWine	x				
Dodd	Christopher	US Senate	x			x	
Dodd		Spouse of C. Dodd	x			x	
Dole	Robert	US Senate					
Dole		Spouse of R. Dole					
Domenici	Pete	US Senate	x		x		
Domenici		Spouse of P. Domenici	x		x		
Dorgan	Byron	US Senate	x			x	
Dorgan		Spouse of B. Dorgan	x			x	
Durbin	Richard	US Senate			x		x
Durbin		Spouse of R. Durbin					x
Dwyer	Sheila	Asst. Secretary of Senate				x	
Edwards	John	US Senate					
Edwards		Spouse of J. Edwards					
Eisold		Freedom Forum			x		
Ensign	John	US Senate	x		x	x	
Ensign		Spouse of J. Ensign					
Enzi	Mike	US Senate		x	x	x	
Enzi		Spouse of M. Enzi				x	
Erickson	Nancy	Secretary of Senate				x	
Erickson	Nancy	Guest of the Freedom Forum			x		
Erickson		Spouse of N. Erickson			x		
Feingold	Russell	US Senate					
Feingold		Spouse of R. Feingold					
Feinstein	Diane	US Senate			x		
Feinstein		Spouse of D. Feinstein					
Fitzgerald	Peter	US Senate	x				
Fitzgerald		Spouse of P. Fitzgerald	x				
Franken	Al	US Senate					
Franken		Spouse of A. Franken					



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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Frist	William	US Senate	x				
Frist		Spouse of W. Frist	x				
Galloway-Tabb	Pamela	Freedom Forum			x		
Gillibrand	Kirsten	US Senate					
Gillibrand		Spouse of K. Gillibrand					
Ginsburg	Ruth Bader	Supreme Court Justice	x	x	x	x	x
Ginsburg		Spouse of R. Ginsburg	x	x	x	x	x
Goldman	Dorothy	Supreme Court Historical Society	x			x	
Graham	Bob	US Senate	x				
Graham		Spouse of B. Graham	x				
Graham	Lindsay	US Senate	x		x	x	
Grainer	Terrance	US Senate				x	
Grainer		Spouse of T. Grainer				x	
Grainer	Terrance	Guest of the Freedom Forum			x		
Grassley	Charles	US Senate	x	x		x	
Grassley		Spouse of C. Grassley	x	x		x	
Gregg	Judd	US Senate	x		x	x	
Gregg		Spouse of J. Gregg	x		x	x	
Hagel	Chuck	US Senate	x		x		
Hagel		Spouse of C. Hagel			x		
Hagen	Kay	US Senate					
Hagen		Spouse of K. Hagen					
Harkin	Tom	US Senate	x		x		
Harkin		Spouse of T. Harkin	x				
Hatch	Orin	US Senate	x		x	x	
Hatch		Spouse of O. Hatch			x	x	
Hoeven	John	US Senate					x
Hoeven		Spouse of J. Hoeven					x
Hollings	Ernest	US Senate					
Hollings		Spouse of E. Hollings					
Hoppe	Dave	Freedom Forum					
Hutchinson	Kay Bailey	US Senate	x	x	x	x	x

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Hutchinson		Spouse of K. Hutchinson	x				x
Ibarguen	Alberto	Freedom Forum			x		x
Inhofe	James	US Senate				x	x
Inhofe		Spouse of J. Inhofe				x	x
Inouye	Daniel	US Senate		x			x
Inouye		Spouse of D. Inouye					x
Isakson	Johnny	US Senate					x
Isakson		Spouse of J. Isakson					x
Isakson	Johnny	Senator Elect		x	x		
Isakson		Spouse of J. Isakson		x	x		
James	David	Freedom Forum	x				
Jeffords	James	US Senate	x				
Jeffords		Spouse of J. Jeffords	x				
Jennings	Madelyn	Freedom Forum			x	x	
Johanns	Mike	US Senate					x
Johanns		Spouse of M. Johanns					x
Johnson	Ron	US Senate					x
Johnson		Spouse of R. Johnson					x
Johnson	Timothy	US Senate	x			x	x
Johnson		Spouse of T. Johnson	x			x	x
Jones	Mary	Freedom Forum	x				
Jones	Frank	Supreme Court Historical Society	x		x		
Jones	Annie	Spouse of F. Jones	x		x		
Juceam	Robert	Supreme Court Historical Society			x		
Kagan	Elena	Supreme Court Justice					x
Kaufman	Edward	US Senate				x	
Kaufman		Spouse of E. Kaufman				x	
Kennedy	Edward	US Senate	x				
Kennedy		Spouse of E. Kennedy	x				
Kerry	John	US Senate					
Kerry		Spouse of J. Kerry					
Kennedy	Anthony	Supreme Court Justice		x	x	x	x

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Kennedy		Spouse of A. Kennedy		x	x	x	x
Kirschenbaum	Malcolm	Freedom Forum			x	x	x
Klobuchar	Amy	US Senate			x	x	x
Klobuchar		Spouse of A. Klobuchar			x	x	x
Kohl	Herb	US Senate					
Kohl		Guest of Herb Kohl					
Kyl	Jon	US Senate		x	x		x
Kyl		Spouse of J. Kyl		x	x		x
Lancaster	Ralph	Supreme Court Historical Society			x	x	x
Lancaster		Spouse of R. Lancaster			x	x	
Landrieu	Mary	US Senate			x	x	
Landrieu		Guest of M. Landrieu			x	x	
Lautenberg	Frank	US Senate	x		x	x	x
Lautenberg		Guest of F. Lautenberg	x		x	x	x
Lawrence	Robin	Spouse of J. Minear					
Leahy	Patrick	US Senate	x		x	x	x
Leahy		Spouse of P. Leahy	x		x	x	x
Lee	Mike	US Senate					
Lee		Spouse of M. Lee					
Lenhardt	Alfonso	Freedom Forum					
Lenhardt		Spouse of A. Lenhardt					
Levin	Carl	US Senate	x		x	x	
Levin		Spouse of C. Levin	x		x	x	
Libin	Jerome	Supreme Court Historical Society				x	x
Libin		Spouse of Supreme Court Historical Society				x	x
Lieberman	Joseph	US Senate			x		
Lieberman		Spouse of J. Lieberman			x		
Lincoln	Blanche	US Senate			x	x	
Lincoln		Spouse of B. Lincoln			x	x	
Lott	Trent	US Senate			x		
Lott		Spouse of T. Lott	x		x		



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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Lugar	Richard	US Senate	x		x	x	x
Lugar		Spouse of R. Lugar			x	x	x
Martinez	Mel	US Senate			x	x	
Martinez		Spouse of Martinez			x	x	
McAlhany	Liz	Freedom Forum					
McCain	John	US Senate					
McCain		Spouse of J. McCain					
McCaskill	Claire	US Senate			x	x	
McCaskill		Spouse of C. McCaskill			x	x	
McConnell	Mitch	US Senate	x	x	x	x	
McConnell		Spouse of M. McConnell	x	x	x	x	
McIntosh		Guest of Supreme Court Historical Society	x		x	x	x
Menendez	Bob	US Senate			x	x	
Menendez		Guest					
Merkley	Jeff	US Senate				x	
Mikulski	Barbara	US Senate	x		x	x	
Miller	Zell	US Senate					
Miller		Spouse of Z. Miller					
Minear	Jeffrey	Counselor to the Chief Justice			x	x	x
Monahan	Brian	Capitol Physician					x
Monahan		Spouse of B. Monahan					x
Moran	Jerry	US Senate				x	x
Moran		Spouse of J. Moran				x	x
Murkowski	Lisa	US Senate	x		x		x
Murkowski		Spouse of L. Murkowski	x		x		x
Murray	Patty	US Senate	x				
Murray		Spouse of P. Murray					
Myrick	Gary	Democratic Secretary					x
Myrick		Spouse of G. Myrick					x
Nelson	Ben	US Senate	x	x	x	x	x
Nelson		Spouse of B. Nelson	x	x		x	x
Nelson	Bill	US Senate	x	x	x	x	x

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Nelson		Spouse of B. Nelson	x	x	x	x	x
Neuharth	Allen	Freedom Forum			x	x	x
Neuharth	Janet	Freedom Forum			x	x	x
Nickles	Don	US Senate	x				
Nickles		Spouse of D. Nickles	x				
Norton	Will	Freedom Forum					x
O'Connor	Sandra Day	Supreme Court Justice	x				
O'Connor		Spouse of S. O'Connor	x				
Obama	Barak	Senator Elect		x			
Obama		Spouse of B. Obama		x			
Opperman	Dwight	Supreme Court Historical Society					
Overby	Charles	Freedom Forum	x	x	x	x	x
Overby		Spouse of C. Overby	x	x	x		x
Paone	Martin	Freedom Forum	x	x	x		
Paone		Spouse of M. Paone	x	x	x		
Paul	Rand	US Senate					x
Paul		Spouse of R. Paul					x
Paulson	Ken	Freedom Forum				x	
Portman	Robert	US Senate					
Portman		Spouse of R. Portman					
Prettyman	E. Barrett	Supreme Court Historical Society	x	x		x	
Prichard	Peter	Freedom Forum			x		
Pryor	Mark	US Senate	x			x	x
Pryor		Spouse of M. Pryor	x				
Quarels	Orage	Freedom				x	x
Reed	Jack	US Senate		x		x	
Reed		Guest of J. Reed		x		x	
Rehnquist	William	Chief Justice of the United States					
Reid	Harry	US Senate	x		x	x	x
Reid		Spouse of H. Reid	x		x	x	x
Reynolds	Emily	Secretary of Senate		x			



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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Reynolds	Emily	Secretary of the Senate; Guest of the Freedom Forum	x				
Rider	Sally	Supreme Court Historical Society	x	x			
Risch	James	US Senate				x	x
Risch		Spouse of J. Risch				x	x
Roberts	Pat	US Senate	x	x	x	x	x
Roberts		Spouse of P. Roberts		x	x	x	x
Roberts, Jr.	John	Chief Justice of the United States			x	x	x
Roberts, Jr.		Spouse of J. Roberts, Jr.			x	x	x
Rockefeller		Spouse of J. Rockefeller			x	x	
Rockefeller, IV	John	US Senate			x	x	
Rouse	Pete	Freedom Forum					
Rubio	Marco	US Senate					x
Rubio		Spouse of M. Rubio					
Salazar	Isaac	Senator Elect		x	x		
Salazar		Spouse of I. Salazar		x			
Sanders	Bernie	US Senate			x	x	x
Sanders		Spouse of B. Sanders			x	x	x
Santorum	Rick	US Senate					
Santorum		Spouse of R. Santorum					
Sarbanes	Paul	US Senate		x			
Sarbanes		Spouse of P. Sarbanes		x			
Scalia	Antonin	Supreme Court Justice					x
Scalia		Spouse of A. Scalia					x
Schiappa	David	Freedom Forum			x		
Schiappa		Spouse of D. Schiappa					
Schumer	Charles	US Senate			x	x	
Schumer		Spouse of C. Schumer					
Seigenthaler	John	Freedom Forum			x		
Sessions	Jeff	US Senate			x	x	x
Sessions		Spouse of J. Sessions				x	x
Shaheen	Jeanne	US Senate				x	

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Shaheen		Spouse of J. Shaheen				x	
Shapiro	Ken	Guest	x			x	x
Shelby	Richard	US Senate	x			x	x
Shelby		Spouse of R. Shelby	x				x
Silverman	Leon	Supreme Court Historical Society	x		x	x	
Silverman	Rita	Spouse of L. Silverman	x		x	x	
Smith	Gordon	US Senate	x	x	x		
Smith		Spouse of G. Smith	x	x			
Snelling	Frank	Freedom Forum	x				
Snowe	Olympia	US Senate	x		x	x	x
Snowe	McKernan (Gov.)	Spouse of O. Snowe	x		x	x	x
Sotomayor	Sonia	Supreme Court Justice					x
Souter	David	Supreme Court Justice		x	x	x	
Specter	Arlan	US Senate			x	x	
Specter		Spouse of A. Specter			x	x	
Stabenow	Debbie	US Senate	x	x	x	x	
Stabenow		Guest of D. Stabenow	x	x	x	x	
Stevens	Ted	US Senate	x		x	x	
Stevens		Spouse of T. Stevens	x		x	x	
Stevens	John Paul	Supreme Court Justice			x		
Stevens		Spouse of J. Stevens					
Strange	Betsey	Guest of Supreme Court Historical Society	x	x			
Sununu	John	US Senate	x		x		
Sununu		Spouse of J. Sununu			x		
Suter	William	Counselor to the Chief Justice	x		x	x	x
Suter		Spouse of W. Suter	x		x	x	x
Talent	James	US Senate		x			
Talent		Spouse of J. Talen		x			
Talkin	Pamela	Marshall of the Supreme Court	x		x	x	x
Tester	Jon	US Senate			x	x	

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Biannual Senate Dinner Attendees (cohosted with the Freedom Forum)							
Last Name	First Name	Affiliation	2003	2005	2007	2009	2011
Tester		Spouse of J. Tester					
Thomas	Clarence	Supreme Court Justice			x	x	x
Thomas		Spouse of C. Thomas			x	x	x
Thomas	Craig	US Senate		x	x		
Thomas		Spouse of C. Thomas		x	x		
Thomson	Jeri	Freedom Forum	x				
Thorman	Dominique	Guest of Supreme Court Historical Society				x	
Thune	John	Senator Elect		x	x		
Thune		Spouse of J. Thune		x			
Toomey	Pat	US Senate					x
Toomey		Spouse of P. Toomey					x
Udall	Mark	US Senate			x	x	
Udall		Spouse of M. Udall			x	x	
Udall	Tom	US Senate			x	x	x
Udall		Spouse of T. Udall			x	x	x
Vitter	David	Senator Elect		x			
Vitter		Spouse of D. Vitter		x	x		
Voinovich	George	US Senate	x		x	x	
Voinovich		Spouse of G. Voinovich	x		x	x	
Warner	John	US Senate			x	x	
Warner		Guest of J. Warner			x	x	
Webb	Jim	US Senate			x	x	
Webb		Spouse of J. Webb			x	x	
Wells	Susan	Freedom Forum	x				
Wells		Spouse of S. Wells	x				
Whitehouse	Sheldon	US Senate			x	x	x
Whitehouse		Spouse S. Whitehouse			x	x	x
Wicker	Roger	US Senate				x	x
Wicker		Spouse of R. Wicker				x	x
Wyden	Ron	US Senate			x	x	
Wyden		Guest of R. Wyden				x	

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The Society also hosts an Annual Meeting in June of each year. Attendance is limited to Society members and their guests, as conducting official business of the organization—such as a Board of Trustees meeting, officer nomination and election, and an awards presentation—is the main purpose of the function. All members are invited to the Annual Meeting, and no donation is required beyond annual membership fees. Membership is open to the general public. The Annual Meeting concludes with a reception and dinner, which is a paid event to help defray the costs of hosting the evening. The Society does not fundraise or otherwise raise money in connection with the Annual Meeting.

Records of attendance at the Annual Meeting were maintained in paper prior to 2019. After a diligent search, the Society was able to locate certain records for the years 2010-2012, 2014-2019, and 2023, which the Society used as the basis for the following chart tracking the Society's knowledge of Annual Meeting in-person attendees. The Society held virtual Annual Meetings in 2020, 2021 and 2022 due to COVID.

Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Abraham	Henry	x	x	x							
Abraham	Mildred	x	x	x							
Abrecht	Gary	x	x	x		x	x	x	x		
Abrecht	Mary Ellen	x	x	x		x	x	x	x		
Achebe	Chioma	x									
Acker	Rodney			x				x	x	x	
Acker	Judy							x			
Adams	Kimberly	x									
Adams	Michael	x									
Addington	Cindy	x									
Addington	David	x	x								
Aidala	Arthur		x	x	x	x	x	x	x		
Ainsberg	Arthur						x				
Akenhead	Catherine							x			
Albornoz	Beatriz								x		
Albright	Evelyn	x	x	x	x	x			x	x	
Albright	George	x	x	x	x	x			x	x	
Alito	Samuel	x	x			x	x	x		x	x
Alito	Martha Ann	x	x			x	x	x		x	x
Allen	Bill		x								



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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Allen	Mark			x							
Allen	Winn								x		
Aloisi	Candice							x			
Alt	Robert					x		x	x	x	
Alverson	Bruce	x									
Amburn	Dale							x			
Amestoy	Jeff		x								
Amestoy	Katherine Leigh		x								
Amini	Bijan					x	x				
Amy	Jeanne	x									
Amy	Marc	x									
Anders	Daniel				x	x					
Anello	Alene				x						
Anello	Bob		x	x	x	x					
Anello	Daniela		x								
Anello	Julie		x	x	x	x	x	x	x	x	x
Anello	Robert						x	x	x	x	x
Anello	Russell		x								
Anton	Olivia						x				
Apperson	Jeff							x			
April	Bunny	x									
April	Lewis	x									
Aragon	Rudy					x					
Arbitman	Zachary						x				
Arffa	Leslie										x
Arnold	Richard			x			x				
Aschenbrenner	Aaron		x								
Aschenbrenner	Nathan	x									
Aschenbrenner	Peter	x	x		x						
Autry	Amber Gunter										x
Ayscue	Emily	x									
Ayscue	Ozzie	x									
Badgley	Tyler					x					

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Bair	Jesse					x					
Bankoff	Joe					x		x	x		x
Bankoff	Lisa					x		x			
Baram-Clothier	Evelyn							x		x	
Barfield	Jon	x	x								
Barki	Michelle		x								
Barkan	Leonard	x	x	x	x	x	x				
Barnes	James							x			
Barnes	Elizabeth							x			
Barnette	William									x	
Barnette	Anne									x	
Barney	Kenneth		x								
Barney	Guest		x								
Barrett	Amy										x
Barrett	Jesse										x
Bass	Hillarie	x									
Bates	Betsy								x		
Beaulieu	Jacqueline					x	x				
Beck	David	x									
Beck	Judith	x									
Bekman	Paul			x							
Bender	David				x						
Bender	Donna				x						
Bennett	Brooke				x						
Bennett	Nathanael				x						
Berry	Mindy						x	x	x	x	x
Bertuna-Aidala	Marianne		x	x	x	x	x	x			
Besecker	Jason					x					
Best	Carol					x	x	x			
Best	Judah	x	x	x		x					
Bevan	Susan	x									
Bills	Patty				x		x		x	x	
Black	David				x						

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Black	Kathryn				x						
Blankenship	Randy					x	x	x			x
Blechman	William						x				
Blessey	Gerald										x
Blessey	Mary Paige										x
Bloch	Susan					x					
Boggs	Danny									x	
Bond	Ferris			x	x	x	x	x	x		
Bond	Jane						x				
Booker	Trevar	x									
Borcher	Thomas			x							
Boyle	Brian		x								
Braden	Susan						x	x	x	x	x
Braden	Guest							x		x	
Bratton	Ashley				x						
Braun	Megan					x					
Brechbill	Nicholas						x				
Brewer	John						x				
Breyer	Charles										x
Breyer	Dr. (Mrs.)			x	x			x		x	x
Breyer	Stephen		x	x	x		x	x	x	x	x
Brice	Alanna								x		
Brickner	Paul	x	x	x	x	x	x	x			
Brier	Carol	x									
Brier	Ythomas	x									
Brinkmann	Beth	x				x		x		x	
Brinson	Robert	x			x			x			
Brophy	Mary Ray	x	x								
Brown	Steven							x			
Brown	Melanie							x			
Browne-Marshall	Gloria				x			x			
Budde	Paul							x			
Budde	Marianne							x			

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Bull	Benjamin								x		
Bull	Lynda								x		
Bunn	Beverly								x	x	x
Burchett	Sean			x	x		x				
Burke	Anne M.	x									
Burke	Edmund	x									
Burke	Kate			x	x						
Burke, III	Vincent	x		x	x						
Burnham	Chris								x		
Burnham	Courtney								x		
Burnham	Elaine										x
Burnham	Robert								x		
Burns	Katie						x				
Burns	Paul						x				
Burns	Taylor										x
Butler	Thomas						x				
Butler	Timothy						x				
Buttram	Dean	x									
Byman	Jane			x	x	x			x		
Byman	Robert			x	x	x			x		
Byrd	David										x
Cabral	Kristin					x	x			x	
Callan	John Paul		x								
Campbell	Christina				x						
Cania	Elinor				x						
Cania	Frank				x						
Cappucino	Andrew									x	
Cappucino	Helen									x	
Cappucino	Nicholas						x				
Carpenter	Viviav	x	x	x							
Carr	Lynn			x							
Carr	T.R.			x							
Carranza	Leslie				x	x	x	x	x		



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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Cassady	Elizabeth								x		
Cassidy	William										x
Cassidy	Jake										x
Cebulash	Ira								x		
Chandler	John	x									
Cheng	Linda							x			
Childs	John							x			
Childs	Victoria							x			
Choksi	Kunal		x								
Chontos	Sandy					x					
Church	Allen					x					x
Church	Debbie					x					
Clark	Diane				x			x			
Clark	Margaret								x		
Clark	Megan				x						
Clary	Richard									x	
Clement	Paul								x		
Clement	Alexandra								x		
Clements	Sherwood										x
Coats	Andrew		x			x					
Coburn	Marcella					x					
Cohen	Faye		x	x	x						
Cohen	Howie									x	x
Cohen	Mark					x	x	x	x	x	x
Cohen	Martha										x
Cohen	Paul		x								
Cohen	Sheldon	x	x	x	x						
Coleman	Reid								x		
Collier	Dean Ann			x			x		x		
Collier	Elizabeth								x		
Collins	Ronald	x				x	x				
Collins	William				x						
Congdon	James		x								





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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Demy	Timothy				x						
Desai	Sneha							x			
Devine	Patrick					x	x	x			
Devine, III	Francis	x	x	x	x	x	x	x			
DeVries	Jon	x									
DeWitt	Karen						x				
Diaz	Romulo					x					
DiCarlo	Nicholas				x	x					
Dickerson	Darby		x								
Dicks	Chip										x
Dietz	Chuck							x			
Dietz-Mayfield	Robin	x	x								
DiGangi	Joseph	x		x	x	x	x	x			
Disney	Abigail						x				
Dixit	Brinda					x					
Dodd	W. Rhys				x						
Doerries	Chantal-Aimee						x				
Dow	Bob										x
Dow	Claire										x
Downer	Joshue			x							
Draheim	Allison									x	
Driesell	Pam						x				
Duff	James		x					x		x	x
Duff	Kitsy										x
Duncan	Ginny			x							
Duncan	Sandy			x							
Dunlap	Joshua					x					
Dunn	Malinda				x						
Dunn, Jr.	Stewart			x							
Ebenstein	Benjamin									x	
Ebenstein	Daniel				x			x	x	x	
Ebenstein	Ina				x			x	x		
Ebenstein	Julie						x			x	



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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Feyer	Tony			x							
Ficken	Bruce						x				
Field	Ann									x	x
Fierman	Orah									x	
Finucane	Sandra						x				
Fischer	Stanley							x			
Fischer	Jacqueline							x			
Fitts	Catherine		x	x		x	x				
Fletcher	James	x	x		x	x	x				
Flowers	Sarah								x		
Flug	Amanda						x				
Foltyn	David				x						
Foltyn	Elyse				x						
Forsthoff	Rhonda				x						
Forsthoff	Timothy				x						
Fortune-Fay	Thomas									x	
Foster	David										x
Foster	John		x								
Francolino	Anthony										x
Francolino	Matthew										x
Franklin	Betty				x		x	x	x		
Franklin	Samuel				x	x	x	x	x	x	
Fransley	Douglass				x						
Fransley	Eliza				x						
Frederick	David	x	x			x		x	x		
Freed	Ruth	x	x	x							
Frese	Manette	x									
Freyer	Marjorie			x							
Friedlander	Matthew										x
Frisby	Russell			x							
Fuller	Robert								x		
Furey	Barbara				x						
Gallagher	Samantha						x				

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Gallagher	Sean						x				
Gallagher	Vanessa						x				
Gallagher	William						x				
Gallopoulos	Christina	x									
Gallopoulos	Greg	x									
Galluch	David								x		
Garcia	Mildred				x						
Garfinkel	Barry	x									
Garvin	Naima						x				
Gauch	Dorothy		x								
Gauch	James		x								
Gee	Trevor				x						
Geller	Kenneth						x				
Geller	Lisa						x				
Gheibi	Paris							x			
Giatras	Alexander						x		x		
Giatras	Troy			x	x	x	x	x	x		x
Giatras	Guest							x			
Gibson	Robert							x	x		
Gilbert	Ann						x				
Gilbert	Frank						x				
Gillman	Cathy								x		
Gillman	Scott								x		
Ginsburg	Ruth Bader		x	x		x	x	x	x		
Girardi	Thomas									x	
Giuffra	Bob							x	x	x	x
Giuffra	Joyce							x	x	x	
Gnau	Holly		x								
Godfrey	Hans				x						
Goetzel	Albert				x						
Goetzel	Melinda				x						
Goetzel	Reuben			x							
Goldberg	Jay						x				

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Goldberg	Rema						x				
Goldberg	Philip							x			
Goldenberg	Elaine	x		x							
Goldman	Dorothy	x	x		x	x	x	x	x	x	
Goldman	Elliot	x	x	x	x	x	x	x	x	x	x
Goldman	Heather	x		x	x		x	x			x
Goldman	James	x		x	x	x	x	x	x	x	
Goldman	Mark		x	x							
Gonda	Jeffrey					x					
Goodson	Claudia	x		x		x					
Gould	David								x		
Gray	Nancy								x		
Grayson	Laurie								x		
Graziano	Todd			x							
Griffin	Charles			x							
Guarnera	Daniel				x						
Guerra	Gary		x								
Guinn	David									x	
Gundlach	Frank		x								
Gundlach	Peggy		x								
Gurley	Manon										x
Gutierrez	Paul				x						
Gutterman	Ethan									x	
Gutterman	Sheila									x	
Gwinn	Steve		x								
Haifley	Greg						x				
Haight	Dodie	x			x						
Hale	Brenda					x					
Hamill	John										x
Hamilton	Gregory								x		
Hamilton	Lisa						x				
Hamilton	Norman		x								
Hamilton	Trudie	x	x	x							



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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Hampe	Marian										x
Hamrick	Gary	x									
Handell	Joshua				x		x				
Hanes	Betty						x				
Hanes	Grayson						x				
Hannay	Roger				x						
Hannay	Sherley				x						
Hannon	Jay					x	x				
Hannon	Jennifer						x				
Hantman	Carl							x			
Hantman	Guest							x			
Hardman	Tracy					x					
Harnden	Edwin							x			
Harriman	Susan									x	x
Harris	Jeffrey & Guest								x	x	
Harris	Scott						x				
Harris-Quigley	Sharon							x			
Harrison	Ashlyann					x					
Harrison	Lindsay		x								
Harroz	Joseph		x								
Haskell	Donald							x			
Haskell	Carol							x			
Haynes	Jim		x			x	x	x			
Haynes	William	x			x				x	x	
He	SiHao					x					
Hecht	Rachel						x	x			
Heery	Laura			x							
Heflin	Jason				x						
Heisner	Michelle	x									
Hellman	Matthew	x	x								
Hennenberg	Michael					x		x			
Hennenberg	Susan							x			
Henry	Sue				x	x	x		x		

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Herr	Ron									x	
Herrick	Steven		x								
Hess	Ann Giardina		x	x			x			x	
Hess	Michael		x	x			x				
Hesse	Renata								x		
Hickey	Bruce	x	x	x							
Hickman	Christopher			x							
Hieken	Chuck	x									
Hieken	Donna	x									
Hildabrand	Clark					x					
Hinde	Dan					x					
Hladik	Stephen										x
Hobbs	James			x							
Hochbrunn	June			x				x			
Hollinger	Alice					x					
Hollis	John					x					
Hollis	Sheila					x					
Honaker	Candi	x									
Honaker	Randy	x									
Hoover	Erik	x									
Horbaly	Jan	x	x	x	x	x	x	x	x		
Horbaly	Marie		x	x	x		x	x	x		
Horbaly	Matie					x					
Horna	Sally						x				
Hornblay	Ray									x	
Houlihan	Carolyn								x	x	
Houlihan	Christopher	x	x			x	x	x	x	x	
Houlihan	Cynthia					x		x	x		
Houlihan,	John			x		x		x	x	x	
Houlihan, Jr.	John					x					
House	Irina						x	x		x	
House	H. Wayne				x		x	x		x	
Howe	Larry				x						

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Huebner	Timothy				x	x	x	x			x
Hueter	Kristin	x	x								
Hueter	Joan	x	x	x							
Hughes	Emily										x
Hughes	Pat						x				
Hughley	Kara			x							
Hungar	Claire				x						
Hungar	Jaye				x						
Hungar	Tom				x						
Hunstead	Jane	x									
Hunt	Michael	x	x								
Hutchinson	Elizabeth			x							
Hutchinson	Harry			x							
Hutchinson	Katherine				x						
Hynes	Samantha			x							
Irving	Peggy								x		
Isler	Jedidah					x					
Jacobs	Brian							x			
Jacoby	Zoe										x
Jansen	Donald	x									
Jarrett	Julia			x							
Jennings	Gloria										x
Jennings	Kim				x						
Jennings	Willie			x							x
Johnson	Paul	x	x	x	x	x	x	x	x	x	x
Jones	Annie	x									
Jones	Christy			x							
Jones	Frank	x									
Jones	Linda			x	x	x	x				
Jones	Margarita Nagle	x	x	x	x	x		x			
Jones	Rachel										x
Jones	Thomas										x
Jones	Wiley	x		x	x	x		x			

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Jordan	Julie	x			x	x		x			
Joseph	Barbara	x	x		x	x	x	x	x	x	x
Joseph	Gregory	x	x	x	x	x	x	x	x	x	x
Juceam	Robert	x	x	x			x		x	x	
Julian	Franklin									x	x
Julian	Judith										x
Kadel	Eric	x	x	x	x	x	x	x	x		x
Kagan	Elena			x							x
Kamenar	Paul					x					
Kaplan	Annie			x		x					
Karasov	Nadav							x			
Katyal	Neal										x
Kavanaugh	Brett									x	x
Kavanaugh	Ashley									x	
Kayatta	William	x	x								
Kaye	Judith	x									
Kazam	Alexander					x					
Keca	Annette					x					
Keith	David					x					
Keith	Mary Ellen					x					
Keller	Marilyn			x							
Kelly	Christie										x
Kelly	Stephanie								x		
Kelson	Jared					x					
Kendall	Chrissy		x								
Kennedy	Anthony		x	x		x					
Kennedy	Claudia						x	x	x		x
Kennedy	Harvey	x	x	x	x	x	x	x	x		
Kennedy	Mary		x	x		x					
Kennedy	Pat		x	x	x	x	x	x	x		
Kennedy, III	Harold	x			x	x	x	x	x		x
Kenny	Raymond	x					x	x	x	x	
Kerrigan, Jr.	Robert							x			



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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Kessler	Hakima										x
Kessler	Philip	x	x	x	x	x	x	x	x		x
Kidwell	Erin				x						
Kim	Daniel				x						
King	Jami									x	
King	Karen									x	
King	Richard									x	
King	Robert						x				
King	William							x			
Kipnis	Dayna									x	
Kish	Paul										x
Kistler	Dave							x			
Kistler	Betsy							x			
Kistler	Nathaniel						x				
Klitgaard	Thomas	x									
Klukowski	Ken							x			
Klukowski	Amanda							x			
Koenig	Joan						x				
Koenig	Stephanie	x			x	x	x				
Komarek	Laura						x				
Komarek	Sally						x				
Komarek	Stacey						x				
Komie	Stephen	x			x	x					
Korb	Don		x								
Kosterewski	Laurie		x								
Kosterewski	Mark		x								
Kry	Robert				x	x					
Kulewicz	John										x
Kulewicz	Maryline										x
LaCombe	Erin										x
LaFleur	Nina				x	x	x	x		x	x
Lallinger	Lucas				x						
Lamken	Jeffrey		x	x		x	x	x		x	

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Lancaster	Anne				x		x				
Lancaster	Elizabeth						x		x		
Lancaster Peoples	Elizabeth								x		
Lancaster	Mary Lou	x	x		x	x	x	x	x		
Lancaster	Ralph	x	x		x	x	x	x	x		
Landrigan	Phillip							x			
Landau	Christopher						x	x			
Landau	Caroline							x			
Lane	Eddye					x	x				x
Lang	Kathryn				x						
Lappin	Louis										x
Larinmore	Mary			x							
Lashway	David								x	x	
Law	Janice	x									
Lawler	Denis				x						
Lawrence	Robert					x					
Lawrence	Robin	x	x	x	x		x	x	x		
Lawson, Jr.	George						x				
Leach	Nicholas		x								
Lee	Douglas			x	x	x		x			x
Lee	Barrett										x
Lee	Kathy										x
Lee	Meredith										x
Lee	Richard										
Lehotsky	Steven						x	x			
Leighton	Tom			x	x	x	x	x	x	x	x
Leikin	Eric	x									
Leitch	David			x	x						
Leitch	Ellen				x						
Leitch	Matthew			x							
Lenkel	Laurie						x	x	x	x	x
Leon	Jeffrey					x	x	x	x	x	

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Leonard	William	x									
Lepore	Matt							x			
Leppert	Val							x			
Lessing	Ryan										x
Levine	Aaron						x				
Levinson	Dan								x		
Levinson	Luna								x		
Levinson	Hannah						x				
Levy	David										x
Levy	Lynne										x
Lewis	Jacqueline	x		x				x	x		
Lewis	Robert	x		x							
Libin	Jerome	x			x	x					
Libin	June	x			x	x					
Libow	Daryl				x		x		x		
Libow	Carly							x			
Lilly	Barbara								x	x	
Lilly	Sarah				x	x	x		x		
Lilly	Paul								x		
Liman	Lewis									x	
Liss	Norman	x									
Liss	Sandra	x									
Littleton	Judson					x	x	x	x		x
London	James						x	x			
Lonergan	Guest	x									
Lonergan	Robert	x									
Lopez-Isa	Lourdes					x		x			
Loveland	Joe						x				
Lowe	Bonnie									x	
Lowe	Jennifer			x	x		x				x
Lowenstein	Julie							x			
x	Alisa							x			
Ludwig	Robert					x					

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Luke	Keith				x						
Lukey	Joan	x	x								
Lynn	Sophia	x	x			x		x	x		
Ma	Mark			x							
MacDougall	Mark						x				
MacIntosh	Mike	x									
MacIntosh	Philip	x									
Madden	Margaret						x	x			
Maggi	Dennis	x	x	x	x	x	x	x	x	x	x
Mahady	Jim						x				
Mahoney	Maureen	x	x	x							
Maier	Greg	x									
Maier	Sue	x									
Malcolm	John				x	x	x				
Malcolm	Mary Lee				x	x	x				
Manasa	Norman	x	x	x	x	x	x	x	x	x	
Mansfield	Colleen	x	x								
Markowitz	Jared							x			
Marshall	Cecilia		x	x	x						
Marshall	Gloria Brown		x								
Marshall	John		x		x						
Marshall	Rachael										x
Martin	Craig	x									
Martin	John				x	x	x	x			x
Martin	Jose							x			
Mason	Elisabeth		x								
Massey	Benjamin		x								
Massey	C. Ed					x	x	x		x	x
Matelis	Joseph				x	x		x	x		x
Maurer	Jim							x			
Maynard	Deanne							x	x	x	
Mays	Andrea	x	x	x	x	x					
McAlexander	Leticia					x					



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McArdle	Frank				x						
McCann	Patricia								x		
McCarter	John										x
McCarthy	Ryan		x		x						
McCarthy	Tom									x	
McCarty	Keeley & Guest									x	
McCoy	Marge	x									
McCoy	Tyler									x	
McCrery	James									x	
McCullough	Charles								x		
McDevitt	Joseph			x							
McDevitt	Maria			x							
McDonnell	Christopher				x						
McEwen	Sharon						x				
McGinley	Ian				x	x	x	x	x	x	
McGinley	Patrick		x	x	x	x	x	x	x	x	
McGuinness	William				x	x	x		x		
McGuinness	Kelley						x		x		
McIntosh	Brent		x	x	x	x	x	x			
McIver	Thomas						x				
McKee	Jennifer					x					
McLachlin	Beverley				x						
McLachlin	Kevin				x		x	x			
McLaughlin	Maura						x	x			
McPhie	Neil				x						
Mead	Sedgwick					x					
Meehan	Michael	x									
Meehan-Cohen	Martha									x	x
Mendez-Gomez	Nestor									x	x
Mercaldo	Anne Marie			x							
Mercaldo	Timothy			x							
Messick	Steven										x
Meunzler	Nancy					x					

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Meux	Elizabeth				x						
Meux	Joseph				x						
Micelli	Orazio			x	x		x				
Michael	Greg						x				
Mickman	Courtney						x	x			
Mihalyfi	Janet				x	x					
Miletta	Kimberly		x	x							
Miller	Carey								x		
Miller	Gary		x				x				
Miller	Lee	x		x							
Miller	Lloyd										x
Miller	Mary		x				x				
Millett	Patricia						x		x		
Mills	Richard					x					
Minear	Jeffrey	x	x	x	x	x	x	x	x	x	
Minore	Alexander								x		
Minot	Jordan								x		
Mirvis	Ted	x									
Mitterhoff	Mary Louise										x
Mizzell	Ruth Bader					x					
Moderow	Joe	x	x		x	x	x	x		x	
Molo	Steven	x	x	x	x	x	x	x			
Molo	Guest							x			
Mone	Michael	x									
Mooney	Kevin								x		
Mooney	Robin								x		
Morel	Lucas			x	x	x	x	x			
Moretti	Amy					x					
Morgan	Charles	x		x							
Morris, III	James				x						
Morse	Adriaen						x				
Motley	John									x	
Mukasey	Michael		x								

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
O'Donnell	Brett								x	x	
O'Donnell	Eileen								x		
O'Hara	Carol				x					x	
O'Hara	James	x	x	x	x		x			x	
O'Hea	Olivia										x
Olson	James		x								
Olson	Ron		x								
Olson	Ted	x									
Opperman	Dwight	x	x	x							
Opperman	Julie	x	x	x							
Orr	Cynthia	x	x	x		x			x	x	
Osbotne, Jr.	Hamilton				x						
O'Shea	Ailsing								x		
Otto	David										x
Pace	Peter		x								
Padera	Charles					x					
Padera	John					x					
Palmore	Joseph							x		x	
Page	Bertrand		x								
Papez	Elizabeth									x	
Pappajohn	Matt					x		x	x		
Park	Heather									x	
Park	Michael				x			x	x	x	
Park	Steven									x	
Pascal	Brenda	x	x	x	x	x	x	x			
Pascal	Paul	x	x	x	x	x	x	x			
Patron	Don			x							
Patterson	John					x					
Pavelec	Jenna						x				
Pavone	Fran	x									
Pearson	Hampton						x				
Pena	H.R. Bert & Guest			x						x	x



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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Pence	Robert		x								
Pennington, III	C. Rufus			x							
Peoples	Emmett								x		
Perlman	Benjamin		x								
Perry	Barbara Ann										x
Perry	Catherine					x					
Peroutka	Deborah	x						x	x		
Peroutka	Steven	x						x	x		
Pessagno	Sarah						x				
Peterson	Colin			x							
Peterson	Greg	x									
Peterson	Gregory			x							
Peterson	Kathleen Flynn		x	x	x		x				
Peterson	Steven		x								
Petrey	Roderick	x									
Phillips	Carter	x	x	x	x	x	x		x	x	
Pickler	David								x		
Pindar-O'Keefe	Marita	x									
Pizzi	David										x
Pizzi	Graham										x
Plichta	Andrea						x				
Plichta	Roger			x	x	x	x	x	x	x	
Prettyman	Barrett			x	x						
Prettyman	Noreen	x									
Price	Allison						x				
Price	Robert						x				
Price	Seth								x		
Pride	Bonnie			x	x		x			x	
Pride	David			x	x		x			x	
Pride	Erin								x		
Primis	Craig						x		x		
Prozes	Andrew		x	x							
Prozes	Laura Heery	x	x								

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Scalia	Antonin	x	x	x	x	x					
Scalia	Christopher								x		
Scalia	Maureen	x	x	x	x	x			x		
Scaturro	Frank										x
Schenck	Cheryl		x		x	x		x			
Schenck	Paul			x				x		x	
Schenck	Robert	x	x	x	x	x	x	x		x	
Scher	Howard						x				
Scherr	Randy	x									
Schiller	Jonathan									x	x
Schneider	Doc				x	x		x	x	x	
Schneider	Guest							x			
Schrumpf	David						x				
Schultz	Robert	x									
Schwartz	Bobbie			x	x						
Schwartz	Niki			x	x						
Scott	Sherry										x
Seal	Linda								x		
Secrest	Corbyn					x					
Secrest	James					x					
Secrets	Lisa					x					
Seibert	Steven	x									
Sekulow	Jay	x	x	x							
Sekulow	Jordan		x	x							
Sekulow	Pamela	x	x	x							
Seo	Sarah				x		x	x	x		
Severson	Daniel				x						
Sexton	John							x			
Sexton	Jed							x			
Sexton	Danielle							x			
Sexton	Katie							x			
Sexton	Julia							x			
Seymour	McNeil							x			



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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Seymour	Mary							x			
Sgurtleff	Kathy			x							
Shackelford	Catherine						x				
Shackelford	Karen	x	x	x	x	x			x	x	
Shackelford	Kelly	x	x	x	x	x	x			x	
Shafer	Jane								x		
Shalaby	Mazzen										x
Shalaby	Cathy										x
Shanks	Robert			x							
Shanmugam	Kannon	x	x	x		x		x	x	x	
Sharpe	Alex	x									
Sharpe	Susan	x									
Shaughnessy	John				x						
Shenkman	Michael										x
Shepherd	Kat	x	x		x						x
Shepherd	Lewis	x	x		x						x
Sherry	Guest		x								
Sherry	Madeline		x	x		x	x	x			
Sherwood	Rebecca		x								
Sherwood	Ted		x								
Showalter	Michael					x					
Shurtleff	Alison						x				
Shurtleff	Kathleen				x		x				
Sidhu	Dawinder				x	x	x		x	x	x
Sidhu	Patricia					x				x	x
Siegel	Arthur						x	x			
Siegel	Evan							x			
Siegel	Ronnie						x				
Siffert	Goldie			x							
Siffert	Jonathan			x	x						
Silbersher	Howard		x								
Silbersher	Simone		x								
Silver	Roslyn						x				

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Silverbrook	Julie								x		
Silverman	Jane	x									
Silverman	Leon	x									
Silverman	Leonard		x								
Silverman	Rita	x	x								
Silvers	Janice			x							
Silverstein	Betsy								x		
Silverthorne	Katherine								x		
Simmons	Robert			x		x					
Simmons	Samantha					x					
Simpson	Chet						x				
Sinclair	Walt				x						
Sippel	Rodney										x
Sloan	Becky	x				x					
Sloan	Johnny						x				
Sloan	Marty	x				x					
Sloan	Sean						x				
Smith	Austin Haight	x									
Smith	Bruce		x								
Smith	Craig										x
Smith	David						x				x
Smith	Del						x				
Smith	Ellen				x	x					
Smith	Gregory		x			x	x			x	x
Smith	Guest						x				
Smith	Jennifer										x
Smith	Lynn						x				
Smith	Michael				x	x	x	x	x		
Smith	Paul	x		x							
Smith	Steven		x	x							
Smith	Talis Haight	x			x						
Smith	Taylor				x						
Smith	Todd		x	x							

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Solovy	Jerry	x									
Solow	Steve		x								
Sopensky	Emily	x	x	x		x					
Sophia	Bruce		x								
Sophia	Guest		x								
Soppach	Farrah					x					
Soppach	Steven					x					
Sorenson	Adam						x				
Sotomayor	Sonia	x		x	x				x	x	
Spaulding	O.C.	x									
Spears	Timothy			x	x	x	x	x	x		x
Spencer	Richard								x		
Spencer	Polly								x		
Spitzer	Edith	x	x	x	x	x	x				
Starr	Kenneth			x				x			
Starr	Alice							x			
Staver	Anita	x		x					x		
Staver	Mathew	x	x	x					x		
Steffan	Jessie					x					
Steffan	John					x					
Steger	Cathy						x				
Steigerwalt	Amy					x					
Steinbrecher	Michael		x								
Stephens	Cynthia			x							
Stephenson	Ellen		x			x					
Stephenson	Grier				x	x					
Stephenson	Phil	x	x								
Stewart	Bob							x			
Steward	Leslie							x			
Stier	Bob	x									
Stone	Ellyn		x					x			
Stone	Jeffrey		x					x			
Storch	Steven						x				

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Thomas	Virginia		x	x		x	x	x	x	x	
Thomas	Daniels			x							
Thomas, III	Ralph										x
Tian	Ning								x		
Tipton	Steven										x
Tirinnanzi	Marti					x					
Titus	Paul							x			
Titus	Bonnie							x			
Toledo	Matthew										x
Tongue	Andrea		x	x							
Tongue	Thomas	x	x	x							
Toolan	Kathleen						x				
Tramonte	Janet			x	x		x				
Tramonte	Michael						x				
Tseng	David			x							
Tucker	Frances Anne				x						
Tucker	John				x						
Tully	Matthew		x		x	x	x		x	x	x
Tully	Stephanie-Rapp									x	
Tully	Stephen							x			
Turner	Edward						x				
Tydings	Joseph					x					
Underwood	Bill					x					
Urofsky	Melvin										x
Valenti	James	x	x								
Valenti	Mark										x
Valenti	Mary Jo	x	x								
Van de Swaagh	Barbara						x				
Van de Swaagh	Kirk						x				
Van Hook	Matthew						x				
Van Hook	Michelle						x				
Vandenburg	Lisa								x		
Vanek	Joe						x				

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Weiss	Christie										x
Welsh	Diane							x			
Welsh	Kelly				x						
Welsh	Richard							x			
Welsh	Robert				x			x			
West	Garrett							x	x		
Whalen	Anne				x						
Whalen	Thomas				x						
Wheeler	John									x	
Wheeler	Kim									x	
Whelan	Deborah								x		
Whelan	Edward								x		
White	Deborah									x	
Whitesell	Emily						x				
Whitfield	Alexander	x									
Whitfield	Jeri	x									
Whitfield	Kenzie		x								
Whitfield	Peter		x								
Wikstrom	Francis			x	x	x	x				
Wikstrom	Porter				x	x					
Willard	Bob		x								
Williams	Abigail					x					
Wilson	Sarah										x
Windsor	Lauren										x
Wish	Jordan								x		
Withrow	Ashley					x					
Withrow	Justin					x					
Wodiska	Joan						x				
Wollen	A. Ross	x									
Wollen	Foster	x									
Wollen	Sheila	x									
Wood	Ryan										x
Woodall	Samuel					x		x			x

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Last Name	First Name	2010	2011	2012	2014	2015	2016	2017	2018	2019	2023
Woodward	John			x		x					
Worthington	Judy										x
Wright	Catherine				x						
Wright	Donald	x	x			x		x	x	x	
Wright	Donna				x		x				
Wright	Gayle	x	x		x	x	x	x	x	x	
Wu	Jason			x							
Young	April	x									
Young	Douglas						x	x		x	x
Young	Terry						x		x		x
Younger	Larry					x					
Zapata	Arturo										x
Zeliff, Jr.	William							x	x		
Zellers	Alyce	x		x							
Zhu	Jane			x			x				
Ziegler	Annette	x									
Ziehl	Dean Nora	x	x								
Ziglar	James										x
Ziglar	Linda										x
Zimmer	Karl									x	
Zimmer	Mrs. Karl									x	

If you have any questions regarding this letter, please let us know.

Sincerely,

  
W. Neil Eggleston

cc: The Honorable Linsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights



# Key Document D

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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To Call Writer Directly:  
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[neil.eggleston@kirkland.com](mailto:neil.eggleston@kirkland.com)

Facsimile:  
+1 202 389 5200

July 1, 2024

## **VIA ELECTRONIC MAIL**

Chairman Richard Durbin  
Committee on the Judiciary  
Chairman Sheldon Whitehouse  
Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

**Re: Follow Up Response to July 11, 2023 Letter to the Supreme Court  
Historical Society**

Dear Chairman Durbin and Chairman Whitehouse:

This letter addresses the Supreme Court Historical Society's (the "Society") response to recent media coverage regarding the surreptitious and unscrupulous recording of Chief Justice John Roberts and Justice Samuel Alito and his spouse at the Society's Annual Meeting dinner on June 3, 2024.

As you are aware, it has been reported in the media that Lauren Windsor, a new member of the Society who joined in 2023, attended the Society's annual members' dinner armed with a concealed recording device and the goal of capturing unguarded comments from the Justices. While the Society wishes to strenuously emphasize that Ms. Windsor's conduct was inappropriate and inconsistent with the Society's mission and its and the Court's protocols, the opportunity for interactions with Justices at the Society's annual dinner are limited to brief, non-private exchanges as previously described in the Society's September 6, 2023 letter.

As further detailed in the September 6, 2023 letter, the opportunity to interact with Justices at Society events is quite limited, and any such interaction does not afford any occasion for private, one-on-one engagement. Accordingly, the recordings that Ms. Windsor released are brief in nature, capturing conversations that vary between approximately two minutes and twenty-one seconds and three minutes and fifty-eight seconds in length. The public nature of the exchanges is also confirmed by the recordings themselves, as there is significant background noise in the

## KIRKLAND & ELLIS LLP

The Honorable Richard J. Durbin  
The Honorable Sheldon Whitehouse  
July 1, 2024  
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recordings which reflect the chatter of the over 200 other guests present at the dinner and reception. The recordings released by Ms. Windsor also contain snippets of conversations that the Justices had with other guests apparently standing nearby Ms. Windsor and her recording device. Notably, Ms. Windsor's 2024 exchange with Justice Alito was interrupted by another attendee. The Society would also note that the Justices' security details were present with them such that it would not be possible to gain private access to a Justice at the Society's annual dinner or pre-dinner reception.

It is nevertheless of the utmost importance to the Society that it is not viewed, however inaccurately, as a forum to gain inappropriate access to Justices or to undermine the proper functioning of the Court due to the actions of a select few individuals. Such a perception is antithetical to the Society's mission. The Society had already implemented certain procedural safeguards to prevent its events from being used as a forum for those with an aim contrary to the Society's educational mission, which focuses on the study and preservation of Court history.

These safeguards included a reminder that the Society sent out before the Society's 2023 and 2024 annual dinners, at which Ms. Windsor allegedly created her recordings, that instructed attendees that cameras, cell phones, and electronic devices were not permitted in the Courtroom and the use of cameras was further prohibited during the reception and dinner. The Society further reminded attendees that discussion of current or pending cases, the Justices' jurisprudence, or other cases decided by the current members of the Court is prohibited, and that failure to abide by these expectations may result in forfeiture of membership in the Society or immediate removal from the event. The Justices' interactions with attendees are also frequently overseen by the Justices' security details, which were present at the Society's 2023 and 2024 annual dinners and receptions. In advance of every event, the Society provides a list of event attendees to the appropriate offices of the Court for review for potential security concerns, and these offices are the ultimate arbiters of who may attend the event.

While the Society disputes that it may serve as a vehicle to promote the personal agendas of deceptive individuals interested in matters before the Court, recent events have triggered the need for the Society to reexamine its practices to prevent even the implication that it may be used in such a manner. The Society has therefore committed to further strengthening its efforts to prevent unscrupulous individuals from attempting to misuse Society events by implementing the following actions:

- Strengthening the language in the conduct protocols circulated to event attendees by explicitly banning electronics and recording devices at all times, forbidding discussion of either cases decided by or pending before the current Court, or issues related to the current Justices' judicial outlook, and warning that violators may be banned from future in-person events;

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The Honorable Sheldon Whitehouse  
July 1, 2024  
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- Amending the Society's application for membership to include a statement that the applicant agrees to honor all protocols for admission to Society events and acknowledges that protocols for events are subject to change and will be updated on the Society's website;
- Prominently displaying conduct protocols on signage near the entrance of Society events (subject to approval by the Court);
- Vetting members and their guests in advance of events attended by Justices through review of public source material; and
- Banning violators from future in-person events or terminating their Society membership in a manner consistent with the Society's bylaws.

The Society is also considering additional safeguards and is mindful that any such steps must strike the right balance to avoid jeopardizing the Society's educational mission, which requires that the Society operate with openness, respect, diversity, and accessibility.

The Society appreciates the opportunity to explain these steps and invites the Committee to follow up with any questions.

Sincerely,



W. Neil Eggleston

cc: The Honorable Lindsey Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable John Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights

# Appendix E

# Key Document A

July 11, 2023

Robin Arkley, II  
President & Chief Executive Officer  
Security National Master Holding Company, LLC  
13702 Coursey Blvd., Bldg. 1A  
Baton Rouge, LA 70817

Dear Mr. Arkley:

According to recent investigative reporting, in July 2008, you provided a gift of lodging to Justice Samuel Alito in connection with a fishing trip in Alaska. The reporting also identified similar instances in which you provided gifts of free travel and lodging to Justice Antonin Scalia. Neither Justice Alito nor Justice Scalia reported these gifts on their annual financial disclosure forms, in apparent contravention of the Supreme Court's April 25, 2023, "Statement on Ethics Principles and Practices," which asserts that Justices since 1991 "have followed" the financial disclosure requirements provided in the Judicial Conference regulations, and other applicable obligations.

The Judicial Conference is a body established by Congress, which maintains an ongoing interest in the Conference's proper functioning and execution of statutory requirements enacted by Congress. Moreover, the Senate Judiciary Committee is considering legislation to strengthen the ethical rules and standards that apply to the Justices of the Supreme Court. The information we request below will help identify specific shortcomings in the "Statement on Ethics Principles and Practices," as well as current law, that legislation needs to address. For these reasons, please provide the following information as soon as possible, but no later than July 25, 2023:

1. An itemized list of all gifts, payments, and items of value exceeding \$415 given by you, or by entities you own or control or for which you have served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the approximate dollar amount of each item, and the date it was extended.
2. An itemized list of all transportation or lodging provided by you, or any entity you own or control or for which you have served as a partner, director, or officer, to a Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date the transportation or lodging was provided, the mode of transportation provided, the itinerary traveled, any lodging provided, and the approximate dollar value of the transportation or lodging.
3. An account of how you came to provide Justice Alito with a gift of free lodging in July 2008, including who invited Justice Alito, when you learned of that invitation, when you learned that you would be attending the trip to Alaska, and the names of other attendees.

4. An itemized list of any other instance in which you have lodged or traveled with any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date of the lodging or transportation, the mode of transportation provided, the itinerary traveled, the approximate dollar value of the transportation or lodging, an account of how you came to accompany the Justice or the member of their family, any role you played in inviting the Justice or other attendees, and the names of other attendees.

Sincerely,



SHELDON WHITEHOUSE

Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights



RICHARD J. DURBIN

Chair, Senate Committee on  
the Judiciary

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights



# Key Document B

# ERICKSON | SEDERSTROM

ATTORNEYS AT LAW

SAMUEL E. CLARK

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(402) 390-7128  
clark@eslaw.com

July 25, 2023

The Honorable Richard Durbin  
Chairman  
Senate Judiciary Committee  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Sheldon Whitehouse  
Chairman  
Subcommittee on Federal Courts Oversight,  
Agency Action and Federal Rights  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

RE: Response to Letter Dated July 11,  
2023, to Robin P. Arkley, II  
Our File No.: 00018.010802

Dear Chairman Durbin and Senator Whitehouse:

We write this letter on behalf of Robin P. Arkley, II in response to your letter dated July 11, 2023, which requested information concerning Mr. Arkley's interactions with Supreme Court Justices. While we respect the Senate Committee's oversight role, we believe that this inquiry exceeds the limits placed on the legislature by the Constitution. For our stated reasons, we refer you to the relevant portions of the letter dated July 25, 2023, from Baker & Hostetler directed to you on behalf of Mr. Leo.

Thank you very much.

Sincerely,



Samuel E. Clark

SEC:ncc

# Key Document C

RICHARD J. DURBIN, ILLINOIS, CHAIR

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 5, 2023

Robin Arkley, II  
President & Chief Executive Officer  
Security National Master Holding Company, LLC  
13702 Coursey Blvd., Bldg. 1A  
Baton Rouge, LA 70817

Dear Mr. Arkley:

This letter follows up on the Senate Judiciary Committee's July 11, 2023, request for information in your possession that is relevant to the Committee's ongoing legislative efforts to address the judicial ethics crisis overshadowing the Supreme Court.

In your letter dated July 25, 2023, you declined to provide the information the Committee requested to inform its legislative efforts in these areas. You also declined to provide any justification for your failure to provide the information we requested, instead directing the Committee to Mr. Leo's response also dated July 25. The Committee's reply to Mr. Leo is enclosed with this letter.

Because you do not have a proper basis to withhold information from Congress, we request that you provide the Committee with all of the information requested in our July 11 letter by October 19, 2023.

Sincerely,



Richard J. Durbin  
United States Senator



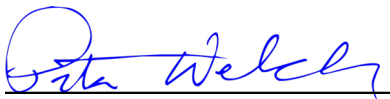
Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator



Richard Blumenthal  
United States Senator



Peter Welch  
United States Senator



Alex Padilla  
United States Senator



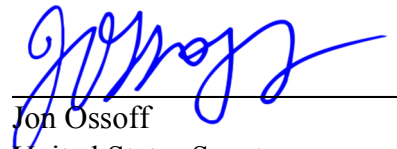
Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Christopher A. Coons  
United States Senator



Jon Ossoff  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

Enclosure

October 5, 2023

Leonard Leo  
Chairman  
CRC Advisors  
2850 Eisenhower Ave., Ste. 100  
Alexandria, VA 22314

Dear Mr. Leo:

This letter follows up on the Senate Judiciary Committee's July 11, 2023, request for information in your possession that is relevant to the Committee's ongoing legislative efforts to address the judicial ethics crisis overshadowing the Supreme Court.

Since that letter, investigative reporting has continued to expose serious shortcomings in the ethical standards that apply to Supreme Court justices. This additional reporting, along with recent actions by Justice Alito,<sup>1</sup> have further demonstrated your unique involvement in much of the conduct that has contributed to the Court's ethical crisis.

In your letter dated July 25, 2023, you declined to provide the information the Committee requested to inform its legislative efforts in these areas. As justification, you claimed this inquiry lacks a valid legislative purpose and that it constitutes political retaliation against you. There is simply no merit to your arguments that the Committee's requests are outside of its Article I oversight authority or that they violate separation-of-powers principles. Your position is at odds with basic separation-of-powers principles favoring checks and balances and rejecting the "archaic view of the separation of powers as requiring three air-tight departments of government."<sup>2</sup> Your argument is especially unreasonable in the government ethics context, given that the Judicial Conference is a creation of Congress, a number of longstanding judicial ethics-related laws have been passed by Congress, and the Supreme Court has adhered to those laws without complaint in multiple instances.

Furthermore, your claim that this inquiry is political retaliation against you personally is frivolous and mischaracterizes the focus of the Committee's investigation. As support for this assertion, you cite a list of conduct by other justices you claim has "been ignored." But all the conduct you cite was properly disclosed, whereas the Committee's investigation focuses on the problem of undisclosed conduct. Specifically, the Committee has been examining how the current ethical framework governing federal judges fails to capture the full scope of previously undisclosed gifts, transportation, and lodging made available to Supreme Court justices by parties with business before the Court.

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<sup>1</sup> See Letter from Senate Judiciary Committee Members to the Honorable John G. Roberts, Jr., Chief Justice, U.S. Supreme Court (Aug. 3, 2023).

<sup>2</sup> *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977) (internal quotation marks omitted).

As undisclosed gifts by wealthy benefactors continue to be revealed, one commonality in these reports is your connection to the undisclosed gifts from these benefactors. In addition to your involvement in the undisclosed transportation and lodging provided by Harlan Crow to Justice Thomas and facilitating the undisclosed transportation and lodging provided by Paul Singer and Robin Arkley II to Justice Alito, you have also directed tens of thousands of dollars in payments to Justice Thomas's wife Ginni Thomas under the guise of consulting payments through nonprofits with business before the Court.<sup>3</sup> Additionally, you arranged for and accompanied Justice Thomas as he attended private events for major donors to a political advocacy network that frequently appears before the Court.<sup>4</sup>

As parties with matters before the Court continue to take advantage of access to justices made possible by both disclosed and undisclosed transportation, lodging, and other gifts, the Committee must have a comprehensive understanding of the types of gifts provided and how this access is used in order to ensure that legislation is appropriately tailored to address this ethical crisis. As an apparent enabler of this access, you are uniquely situated to provide the Committee with the information we need.

Because you do not have a proper basis to withhold information from Congress, we request that you provide the Committee with all of the information requested in our July 11 letter by October 19, 2023.

Sincerely,



Richard J. Durbin  
United States Senator



Sheldon Whitehouse  
United States Senator



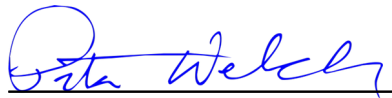
Amy Klobuchar  
United States Senator



Richard Blumenthal  
United States Senator

<sup>3</sup> Heidi Przybyla, *What Ginni Thomas and Leonard Leo wrought: How a justice's wife and key activist started a movement*, POLITICO (Sep. 10, 2023); Emma Brown, Shawn Boburg, & Jonathan O'Connell, *Judicial activist directed fees to Clarence Thomas's wife, urged 'no mention of Ginni'*, WASH. POST (May 4, 2023).

<sup>4</sup> Joshua Kaplan, Justin Elliott, & Alex Mierjeski, *Clarence Thomas Secretly Participated in Koch Network Donor Events*, PROPUBLICA (Sept. 22, 2023).



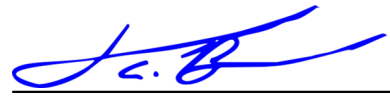
Peter Welch  
United States Senator



Alex Padilla  
United States Senator



Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Christopher A. Coons  
United States Senator



Jon Ossoff  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary



# Key Document D

# ERICKSON | SEDERSTROM

• ATTORNEYS AT LAW

SAMUEL E. CLARK

10330 REGENCY PARKWAY DRIVE, SUITE 100  
OMAHA, NEBRASKA 68114-3761  
TELEPHONE (402) 397-2200  
FACSIMILE (402) 390-7130

(402) 390-7128  
clark@eslaw.com

October 18, 2023

The Honorable Richard Durbin  
Chairman  
Senate Judiciary Committee  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Sheldon Whitehouse  
Chairman  
Subcommittee on Federal Courts Oversight,  
Agency Action and Federal Rights  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

RE: Response to Letter Dated July 11,  
2023, to Robin P. Arkley, II  
Our File No.: 00018.010802

Dear Chairman Durbin and Senator Whitehouse:

This letter is written in response to your letter dated October 5, 2023.

Mr. Arkley reaffirms his position that, as a private citizen whose hospitality was wholly unrelated to the business of the Supreme Court, there is no legislative purpose that requires him to report the same to your Committee. If the law required or should require a government official to report hospitality or travel, that certainly does not apply to Mr. Arkley, and you should take the matter up with that official.

Your request that Mr. Arkley further provide the names of friends to whom he might have provided hospitality is without purpose and suggests that presence at a private social occasion at which no official public business was discussed or undertaken somehow subjects one to congressional scrutiny. This is an unreasonable affront on a citizen's privacy.

Mr. Arkley is not accused of violating any laws, has no disclosure duties, and has nothing to add beyond what has already been reported in the press. We must respectfully decline to respond to your request for the names and circumstances surrounding his personal hospitality.

Sincerely,



Samuel E. Clark

SEC:ncc

# Key Document E

ERICKSON | SEDERSTROM  
ATTORNEYS AT LAW

SAMUEL E. CLARK

10330 REGENCY PARKWAY DRIVE, SUITE 100  
OMAHA, NEBRASKA 68114-3761  
TELEPHONE (402) 397-2200  
FACSIMILE (402) 390-7130

(402) 390-7128  
clark@eslaw.com

November 6, 2023

The Honorable Richard Durbin  
Chairman  
Senate Judiciary Committee  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Sheldon Whitehouse  
Chairman  
Subcommittee on Federal Courts Oversight,  
Agency Action and Federal Rights  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

RE: Robin P. Arkley, II

Dear Senators Durbin and Whitehouse:

Mr. Arkley has asked that I provide you additional information in response to your letter of July 11, 2023.

In response to your request for a list of any gifts, payments and items of value exceeding \$415, and all transportation or lodging given by Mr. Arkley, or by entities owned or controlled by him, or for which he has served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice's family, he recalls only two items, which have both already been reported on:

In 2008, Justice Samuel Alito attended a fishing trip and stayed at King Salmon Lodge ("Lodge") in King Salmon, Alaska. The Lodge was owned by Mr. Arkley's company, Security National Master Holding Company ("Company"). For the period of time that the Company owned the Lodge, Mr. Arkley hosted dozens of employees and friends. He sold the Lodge more than a decade ago.

In addition to a number of friends he invited who were personal friends from his hometown or from college, Mr. Arkley also invited Mr. Leonard Leo, a friend through his association with the Federalist Society. After one of his conversations with Leonard, Mr. Arkley invited a number of Mr. Leo's friends to join the trip, including Justice Samuel Alito, Judge Ray Randolph, Mr. Paul Singer, and Mr. John Fund. To the best of Mr. Arkley's recollection, the trip lasted three or four nights. As he had done with other friends and guests who stayed at the Lodge, Mr. Arkley covered the expenses for the lodging, meals, and costs associated with the fishing expeditions.

Mr. Arkley did not provide Justice Alito transportation to or from the Lodge.

In 2005, Mr. Arkley invited Mr. Leo and Justice Antonin Scalia on a fishing trip in Alaska, in addition to inviting a number of friends from his hometown and college. His recollection is that he provided air travel on his private aircraft for Justice Scalia and Mr. Leo from the continental United States to Alaska. To the best of Mr. Arkley's recollection, they stayed at the Karluk Lodge and fished in the Karluk River. As the fishing was poor, they travelled to the Situk River to fish and stayed at another lodge. The trip was four to five days, and Mr. Arkley paid all expenses for those who were his guests on this trip.

With respect to your requests for the itinerary or costs associated with these trips, Mr. Arkley does not have that information. The private aircraft owned by the Company during the relevant period was sold ten years ago and records of its use are unavailable. Further, in accordance with industry standards, the Company has had a long-standing retention policy, originally adopted in 2008, that requires all records, not subject to litigation holds, be disposed of after seven years. As these two trips occurred well after that timeframe, no company records exist. Mr. Arkley also does not have any personal records regarding these two trips.

These are the only two items that are relevant to your request for information.

While we continue to believe the Committee's request for this information exceeds its constitutional authority, as set forth in letters of July 25, 2023, and October 18, 2023, Mr. Arkley has provided this information in an effort to be cooperative and put this matter behind him. I trust that this does so. Nevertheless, we reserve all rights to object to the Committee's request for any additional information.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Samuel E. Clark", is written over the typed name.

Samuel E. Clark

SEC:ncc

CC: The Honorable Lindsey O. Graham, Ranking Member, Senate Committee on the Judiciary  
The Honorable John N. Kennedy, Ranking Member Subcommittee on Federal Courts  
Oversights, Agency Action and Federal Rights  
Chuck Grassley, Minority Member, Senate Committee on the Judiciary  
John Cornyn, Minority Member, Senate Committee on the Judiciary  
Mike Lee, Minority Member, Senate Committee on the Judiciary  
Ted Cruz, Minority Member, Senate Committee on the Judiciary  
Josh Hawley, Minority Member, Senate Committee on the Judiciary  
Tom Cotton, Minority Member, Senate Committee on the Judiciary  
John Kennedy, Minority Member, Senate Committee on the Judiciary  
Marsha Blackburn, Minority Member, Senate Committee on the Judiciary

# Key Document F



## ROBIN P. ARKLEY II

November 7, 2023

Dear Committee,

I have reviewed the letter dated November 6, 2023, prepared and signed by my counsel, Samuel Clark. The letter reflects my recollection of the individuals and dates of the fishing trips. Any other contact that I may have had with the relevant individual referenced in your July 11, 2023 letter does not fall within the scope of your request, including that I have not provided any gift over the \$415 threshold to any relevant person.

In order to refresh my recollection and to provide the requested information, my staff searched for any responsive records. As my counsel noted in his letter, my company has a retention policy in place that requires the disposal of all records, not subject to any litigation hold, after 7 years. Thus, there are no responsive records. Additionally, I searched my records and found no responsive records.

Sincerely,

Robin P. Arkley II

**SN SERVICING CORPORATION**  
**13702 COURSEY BOULEVARD**  
**BUILDING 1**  
**BATON ROUGE, LOUISIANA 70817**

# Appendix F



# Key Document A

July 11, 2023

Paul Singer  
President, Co-Chief Executive Officer,  
& Co-Chief Investment Officer  
Elliott Investment Management, L.P.  
Phillips Point, East Tower, Ste. 1000  
777 South Flager Dr.  
West Palm Beach, FL 33401

Dear Mr. Singer:


According to recent investigative reporting, in July 2008, you provided a gift of free transportation to Justice Samuel Alito to a fishing lodge in Alaska. In an article responding to that reporting, Justice Alito acknowledged that you invited him to travel aboard a private jet owned by you, or an entity you own or control, in connection with that trip. Justice Alito did not disclose this gift of transportation on his annual financial disclosure form for 2008, in apparent contravention of the Supreme Court's April 25, 2023, "Statement on Ethics Principles and Practices," which asserts that Justices since 1991 "have followed" the financial disclosure requirements provided in the Judicial Conference regulations, and other applicable obligations.

The Judicial Conference is a body established by Congress, which maintains an ongoing interest in the Conference's proper functioning and execution of statutory requirements enacted by Congress. Moreover, the Senate Judiciary Committee is considering legislation to strengthen the ethical rules and standards that apply to the Justices of the Supreme Court. The information we request below will help identify specific shortcomings in the "Statement on Ethics Principles and Practices," as well as current law, that legislation needs to address. For these reasons, please provide the following information as soon as possible, but no later than July 25, 2023:

1. An itemized list of all gifts, payments, and items of value exceeding \$415 given by you, or by entities you own or control or for which you have served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the approximate dollar amount of each item, and the date it was extended.
2. An itemized list of all transportation or lodging provided by you, or any entity you own or control or for which you have served as a partner, director, or officer, to a Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date the transportation was provided, the mode of transportation provided, the itinerary traveled, any lodging provided, and the approximate dollar value of the transportation or lodging.


3. An account of how you came to attend the July 2008 trip to Alaska, including when you received an invitation, how Justice Alito came to be invited to travel with you to Alaska in July 2008, when you learned of that invitation, and the names of other attendees.
4. An itemized list of any other instance in which you have lodged or traveled with any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date of the lodging or transportation, the mode of transportation provided, the itinerary traveled, the approximate dollar value of the transportation or lodging, an account of how you came to accompany the Justice or the member of their family, any role you played in inviting the Justice or other attendees, and the names of other attendees.

Sincerely,



---

SHELDON WHITEHOUSE  
Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights



---

RICHARD J. DURBIN  
Chair, Senate Committee on  
the Judiciary

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Key Document B

# COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG  
LONDON LOS ANGELES NEW YORK PALO ALTO  
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Robert K. Kelner

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 5503  
rkelner@cov.com

## By Email

August 14, 2023

The Honorable Sheldon Whitehouse  
Chair  
Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights  
United States Senate  
Washington, D.C. 20510

The Honorable Richard J. Durbin  
Chair  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairs Whitehouse and Durbin:

On behalf of our client Paul Singer, we are responding to your letter of July 11, 2023. We recognize the important role that the Senate Judiciary Committee plays, and appreciate the opportunity to address your inquiry.

Mr. Singer is the founder, president, and co-Chief Executive Officer of Elliott Investment Management (“Elliott”), one of the country’s oldest and most prominent fund managers under continuous management. Elliott employs over 500 employees and, as of June 30, 2023, manages approximately \$59.2 billion in assets. Mr. Singer also has, for decades, been one of the country’s most active philanthropists, engaging in a broad array of charitable activities. To name just a few examples, Mr. Singer has funded litigation championing gay rights, security upgrades at Jewish institutions throughout New York following the Pittsburgh Tree of Life synagogue shootings, cancer research and expanded access to primary medical care, music education in public schools, and numerous organizations committed to free market principles.

Your letter asks for an accounting of how Mr. Singer came to join a fishing trip in Alaska fifteen years ago, which was also joined by U.S. Supreme Court Justice Samuel Alito. Mr. Singer welcomes the opportunity to set the record straight about this trip, as public reporting has been inaccurate and misleading. Contrary to the false insinuations of the reporting referenced in your letter, there was no connection between the trip and any litigation matters past or present involving Elliott. At the time of the trip, Elliott had no matters before the U.S. Supreme Court. Indeed, Mr. Singer does not recall ever discussing with Justice Alito any litigation matters of any sort at any point, including on the trip.

The following account is based on Mr. Singer’s best current recollection and our review of the available information. Mr. Singer did not organize the fishing trip, and he did not invite Justice Alito to join the fishing trip. On or about May 19, 2008, Mr. Leonard Leo invited Mr. Singer to join him on a fishing trip with Mr. Robin Arkley II in King Salmon, Alaska. After first declining due to a conflicting family engagement, Mr. Singer was informed he could leave early and then accepted the invitation on or about June 5, 2008. Mr. Singer asked Mr. Leo who he wanted Mr. Singer to take with him on the flight to Alaska, on a private aircraft which Mr. Singer was arranging for his own transportation. On June 9, 2008, Mr. Leo told Mr. Singer that

Justice Alito, Judge A. Raymond Randolph of the U.S. Court of Appeals for the D.C. Circuit, and Mr. Leo would join him on the flight.

The flight—carrying Mr. Leo, Justice Alito, and Judge Randolph—departed from Dulles, Virginia and flew to Teterboro, New Jersey on July 8, 2008, at an estimated *pro rata* cost of \$2,633.30 per passenger. Mr. Singer and another private citizen, journalist John Fund, joined the group in Teterboro and flew to King Salmon, Alaska, at an estimated *pro rata* cost of \$11,061.85 per passenger. The group stayed in a private lodge, provided by Mr. Arkley, from July 8 through July 11, 2008. On July 11, 2008, the same group departed King Salmon, Alaska for Dulles, Virginia, at an estimated *pro rata* cost of \$10,080.96 per passenger. Other than light food and refreshments offered on the plane flights, and the cost of transportation, Mr. Singer did not pay for any other expenses of participants in the fishing trip, including Justice Alito.

Your letter also requests detailed information about activities unrelated to the Alaska trip. You asked, for example, questions about the activities of groups with which Mr. Singer is affiliated and the names of attendees at events attended by Mr. Singer who happened to stay in the same location as a Supreme Court Justice or family members. Such broad inquiries to private citizens about their affiliations with civic organizations and their personal philanthropic activities risk turning a literal fishing expedition into a political one, raising significant concerns because they intrude on Mr. Singer's legitimate privacy interests and associational rights.

The Supreme Court's own McCarthy-era jurisprudence provides that the "First Amendment may be invoked against infringement," in response to congressional investigations. *Watkins v. United States*, 354 U.S. 178, 197 (1957); *see also id.* at 198-99 ("We cannot simply assume, however, that every congressional investigation is justified by a public need that overbalances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy nor abridge his liberty of speech, press, religion, or assembly."). The Court held that "there is no congressional power to expose for the sake of exposure." *Id.* at 200. There is no "general power to expose where the predominant result can only be an invasion of the private rights of individuals." *Id.*; *see also United States v. Rumely*, 345 U.S. 41, 47-48 (1953) (narrowly construing congressional resolution authorizing House committee to conduct study, so as to avoid First Amendment associational concerns with compelling witness to disclose names).

With these privacy and freedom of association considerations in mind, the Committee should direct its inquiries to the Court rather than to private citizens. Nonetheless, Mr. Singer has instructed us to engage with your staff to determine whether there is a path for addressing any further concerns you may have, while still respecting Mr. Singer's individual rights and the rights of the various organizations that he supports through his personal philanthropy or associates with in his civic life.

Respectfully submitted,



Robert K. Kelner  
Nicholas J. Xenakis

August 14, 2023  
Page 3

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Appendix G



# Key Document A

DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 11, 2023

Leonard Leo  
Chairman  
CRC Advisors  
2850 Eisenhower Ave., Ste. 100  
Alexandria, VA 22314

Dear Mr. Leo:

According to recent investigative reporting, in July 2008, you facilitated a gift of free transportation to and lodging at a fishing lodge in Alaska for Justice Samuel Alito. The reporting stated that you “attended and helped organize” this event, invited Justice Alito and Paul Singer to attend, and asked Mr. Singer if you and Justice Alito could fly to Alaska on a private jet owned by Mr. Singer, or an entity he owns or controls. Additionally, the free lodging for this trip was provided by Robin Arkley II, who has helped fund an advocacy group connected to you that has advocated for issues related to the federal judiciary. Justice Alito did not disclose these gifts of transportation and lodging on his annual financial disclosure form for 2008, in apparent contravention of the Supreme Court’s April 25, 2023, “Statement on Ethics Principles and Practices,” which asserts that Justices since 1991 “have followed” the financial disclosure requirements provided in the Judicial Conference regulations, and other applicable obligations. This follows earlier reporting indicating that you also joined at least one of Justice Thomas’s undisclosed trips to Harlan Crow’s Topridge Camp.

The Judicial Conference is a body established by Congress, which maintains an ongoing interest in the Conference’s proper functioning and execution of statutory requirements enacted by Congress. Moreover, the Senate Judiciary Committee is considering legislation to strengthen the ethical rules and standards that apply to the Justices of the Supreme Court. The information we request below will help identify specific shortcomings in the “Statement on Ethics Principles and Practices,” as well as current law, that legislation needs to address. For these reasons, please provide the following information as soon as possible, but no later than July 25, 2023:

1. An itemized list of all gifts, payments, and items of value exceeding \$415 provided, whether by you; by entities you own or control or for which you have served as a partner, director, or officer; or by others, to any Justice of the Supreme Court or a member of the Justice’s family which you had a role in facilitating or arranging. Please include the name of the Justice, the approximate dollar amount of each item, the date it was extended, and your role in arranging each item.

2. An itemized list of all transportation or lodging provided, whether by you; by entities you own or control or for which you have served as a partner, director, or officer; or by others, to a Justice of the Supreme Court or a member of the Justice's family, which you had a role in facilitating or arranging. Please include the name of the Justice, the date the transportation or lodging was provided, the mode of transportation provided, the itinerary traveled, any lodging provided, the approximate dollar value of the transportation or lodging, and your role in arranging the transportation or lodging.
3. An account of how you came to attend the July 2008 trip to Alaska, including when you first learned of the trip and your role in inviting Justice Alito, Paul Singer, and other attendees to attend the trip and to travel aboard a private jet owned by Paul Singer, as well as the names of any other attendees.
4. An itemized list of any other instance in which you have lodged or traveled with any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date of the lodging or transportation, the mode of transportation provided, the itinerary traveled, the approximate dollar value of the transportation or lodging, an account of how you came to accompany the Justice or the member of their family, any role you played in inviting the Justice or other attendees, and the names of other attendees.

Sincerely,



SHELDON WHITEHOUSE  
Chair, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights



RICHARD J. DURBIN  
Chair, Senate Committee on  
the Judiciary

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Key Document B

# BakerHostetler

Baker & Hostetler LLP

Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5403

T 202.861.1500  
F 202.861.1783  
www.bakerlaw.com

David B. Rivkin, Jr.  
direct dial: 202.861.1731  
drivkin@bakerlaw.com

July 25, 2023

VIA ELECTRONIC MAIL

The Honorable Richard Durbin  
Chairman  
Senate Judiciary Committee  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Sheldon Whitehouse  
Chairman  
Subcommittee on Federal Courts, Oversight, Agency  
Action, and Federal Rights  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: Response to July 11, 2023 Letter to Leonard Leo

Dear Chairman Durbin and Senator Whitehouse:

We write on behalf of Leonard Leo in response to your letter of July 11, 2023, which requested information concerning Mr. Leo's interactions with Supreme Court Justices. We understand this inquiry is part of an investigation certain members of the Senate Judiciary Committee have undertaken regarding ethics standards and the Supreme Court. While we respect the Committee's oversight role, after reviewing your July 11 Letter, the nature of this investigation, and the circumstances surrounding your interest in Mr. Leo, we believe that your inquiry exceeds the limits placed by the Constitution on the Committee's investigative authority.

Your investigation of Mr. Leo infringes two provisions of the Bill of Rights. By selectively targeting Mr. Leo for investigation on a politically charged basis, while ignoring other potential sources of information on the asserted topic of interest who are similarly situated to Mr. Leo but have different political views that are more consistent with those of the Committee majority, your inquiry appears to be political retaliation against a private citizen in violation of the First Amendment. For similar reasons, your inquiry cannot be reconciled with the Equal Protection component of the Due Process Clause of the Fifth Amendment. And regardless of its other constitutional infirmities, it appears that your investigation lacks a valid legislative purpose, because the legislation the Committee is considering would be unconstitutional if enacted.

### **The Committee's Inquiry Raises Serious First Amendment Concerns**

Bedrock constitutional principles dictate that “no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). In the guise of conducting an investigation concerning Supreme Court ethics, the Committee appears to be targeting Mr. Leo because of disagreement with his political activities and viewpoints on issues pertaining to our federal judiciary. An investigation so squarely at odds with the First Amendment cannot be maintained.

Mr. Leo is entitled by the First Amendment to engage in public advocacy, associate with others who share his views, and express opinions on important matters of public concern. “[T]he freedom to think and speak is among our inalienable human rights.” *303 Creative LLC v. Elenis*, 143 S. Ct. 2298, 2311 (2023). Indeed, expressive activity of this kind is afforded the greatest protection possible. *See Connick v. Myers*, 461 U.S. 138, 145 (1983) (“[S]peech on public issues occupies the ‘highest rung of the hierarchy [sic] of First Amendment values,’ and is entitled to special protection.” (quoting *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 913 (1982))). Yet Mr. Leo has, for years, been the subject of vicious attacks by members of Congress, specifically including members of the Committee majority, because of how he chooses to exercise his rights. In reference to Mr. Leo’s public advocacy work, for example, Senator Whitehouse has called Mr. Leo the “little spider that you find at the center of the dark money web.” Senator Sheldon Whitehouse, Remarks on the Floor of the United State Senate (Sept. 13, 2022). Similar remarks from Senator Whitehouse and others are too numerous to recount.

This campaign of innuendo and character assassination has now moved beyond angry speeches and disparaging soundbites. In the July 11 Letter, Committee Democrats have now wielded the investigative powers of Congress to harass Mr. Leo for exercising his First Amendment rights. That transforms what has to this point been a nuisance occasioned by intemperate rhetoric into a constitutional transgression.

“[T]he First Amendment prohibits government officials from subjecting an individual to retaliatory actions for engaging in protected speech.” *Nieves v. Bartlett*, 139 S. Ct. 1715, 1722 (2019) (quotation omitted). Thus, an official is prohibited from “tak[ing] adverse action against someone based on” that person’s expressive activity. *Id.* This bar against retaliatory action applies to Congress as much when it acts in its investigative capacity as when it legislates. *See Barenblatt v. United States*, 360 U.S. 109, 126 (1959) (“[T]he provisions of the First Amendment . . . of course reach and limit congressional investigations.”).

The Committee’s investigation into Mr. Leo’s relationship with Justice Alito quite clearly constitutes an adverse action for purposes of the First Amendment. The burden created by a congressional inquiry is significant. *See Watkins v. U.S.*, 354 U.S. 178, 197 (1957) (“The mere summoning of a witness and compelling him to testify, against his will, about his beliefs, expressions or associations is a measure of governmental interference.”). It can chill expressive

activity and infringe on First Amendment rights. *See, e.g., Smith v. Plati*, 258 F.3d 1167, 1176 (10th Cir. 2001) (“Any form of official retaliation for exercising one’s freedom of speech, including prosecution, threatened prosecution, bad faith investigation, and legal harassment, constitutes an infringement of that freedom.”); *see also United States v. Hansen*, 143 S. Ct. 1932, 1963 (2023) (Jackson, J., dissenting) (noting that an investigative letter sent by members of Congress “can plainly chill speech, even though it is not a prosecution (and, for that matter, even if a formal investigation never materializes).”).

It seems clear that this targeted inquiry is motivated primarily, if not entirely, by a dislike for Mr. Leo’s expressive activities. Retaliatory motive can be shown in at least two ways: (1) where the “evidence of the motive and the [adverse action] [are] sufficient for a circumstantial demonstration that the one caused the other,” *Hartman v. Moore*, 547 U.S. 250, 260 (2006); or (2) where “otherwise similarly situated individuals not engaged in the same sort of protected speech” were not subjected to the same adverse action, *Nieves*, 139 S. Ct. at 1727. Both circumstances are present here.

As noted, Mr. Leo and the groups with which he is affiliated have been subjected to a barrage of disparaging remarks because of their views on judicial nominations and other judicial matters. Sen. Whitehouse has attacked “creepy right-wing billionaires who stay out of the limelight and let others, namely Leonard Leo and his crew, operate their” supposed “far-right scheme to capture and control our Supreme Court.” Senator Sheldon Whitehouse, Remarks on the Floor of the United State Senate (July 12, 2023). Senator Durbin has similarly decried “Leonard Leo and the Federalist Society” for their “joint effort [with] very conservative groups, special interest, dark money groups, and the Republican party” to shape “what will be the future of the court.” Senator Richard Durbin, Interview with the Washington Post (July 13, 2023). And perhaps most tellingly, the present investigation was announced with a statement titled “Whitehouse, Durbin Ask Leonard Leo and Right-Wing Billionaires for Full Accounting of Gifts to Supreme Court Justices.” Sens. Richard Durbin and Sheldon Whitehouse, Press Statement (July 12, 2023).

These explicitly political attacks, and others like them, made over the course of many years and reaching a crescendo in the days immediately following the transmission of the letter to Mr. Leo, provide an ample basis for concluding that the July 11 Letter is animated by animus toward “conservative” “Right-Wing” views and organizations, rather than a purely genuine concern about Supreme Court ethics. *See Lyberger v. Snider*, 42 F.4th 807, 813 (7th Cir. 2022) (explaining that statements from officials who took adverse action can demonstrate retaliatory motive). The circumstances of the Committee’s investigation show that “retaliatory animus actually caused” the adverse action taken against Mr. Leo. *Nieves*, 139 S. Ct. at 1723.

This conclusion is confirmed by the targeted and one-sided nature of the investigation. Despite professing interest in potential ethics violations and influence-peddling at the Supreme Court, the Committee has focused its inquiries on individuals who have relationships with Justices appointed by Republican Presidents. Reported instances of Democrat-appointed Justices

accepting personal hospitality or other items of value from private individuals have been ignored. Here are some examples:

- In 2019, Justice Ruth Bader Ginsburg was given a \$1 million award by the Berggruen Institute, an organization founded by billionaire investor Nicolas Berggruen. *See* Andrew Kerr, *Ruth Bader Ginsburg's Mysterious \$1 Million Prize*, Washington Free Beacon (July 19, 2023). Justice Ginsburg used the money to make donations to various charitable causes of her choosing, most of which remain unknown. *See id.*
- Between 2004 and 2016, Justice Stephen Breyer took at least 225 trips that were paid for by private individuals, including a 2013 trip to a private compound in Nantucket with billionaire David Rubenstein, who has a history of donating to liberal causes. *See* Marty Schladen, *U.S. Supreme Court justices take lavish gifts — then raise the bar for bribery prosecutions*, Ohio Capital Journal (April 26, 2023).
- On September 30, 2022, the Library of Congress hosted an expensive investiture celebration for Justice Ketanji Brown Jackson that was funded by undisclosed donors. *See* Houston Keene, *Library of Congress explains why it hosted Jackson investiture but not for Gorsuch, Kavanaugh, Barrett*, Fox News (Sept. 30, 2022).
- On two occasions, Justice Sonia Sotomayor failed to recuse herself from cases involving her publisher, Penguin Random House, which had paid her \$3.6 million for the right to publish her books. *See* Victor Nava, *Justice Sonia Sotomayor didn't recuse herself from cases involving publisher that paid her \$3M: report*, N.Y. Post (May 4, 2023).
- Justice Sonia Sotomayor used taxpayer-funded Supreme Court personnel to promote sales of her books, from which she earned millions of dollars, including at least \$400,000 in royalties. *See* Brian Slodysko & Eric Tucker, *Supreme Court Justice Sotomayor's staff prodded colleges and libraries to buy her books*, Associated Press (July 11, 2023).
- Throughout her tenure on the Supreme Court, Justice Ruth Bader Ginsburg maintained a close relationship with the pro-abortion group National Organization for Women (“NOW”), which frequently had business before the Court. *See* Richard A. Serrano & David G. Savage, *Ginsburg Has Ties to Activist Group*, Los Angeles Times (Mar. 11, 2004). Among other things, Justice Ginsburg helped the organization fundraise by donating an autographed copy of one of her decisions, and contributed to its lecture series, even as she participated in cases in which NOW filed amicus briefs. *See id.*; Katelynn Richardson, *Here Are the Times Liberal Justices had Political Engagements that Were Largely Ignored by Democrats*, Daily Caller (May 5, 2023).



None of these incidents has resulted in inquiries from the Committee. Yet, Committee Democrats have not meaningfully distinguished these examples from the supposed ethics lapses committed by Republican-appointed Justices that are the focus of the Committee's investigation. Moreover, for all of Committee Democrats' statements disparaging Mr. Leo for his First Amendment-protected advocacy pertaining to the law and the judiciary, they have evinced no interest in investigating the largest "dark money" network in American politics, that associated with the Democratic Party-aligned Arabella Advisors. See Emma Green, *Democrats Have Made Their Peace With Dark Money*, The Atlantic (Nov. 2021). Nor have they pursued the new Democratic Party-aligned coalition of "dark money" groups established specifically to "mold the [Supreme Court's] future." Adam Edelman, Dem-aligned groups launch campaign to keep Supreme Court front of mind in 2024, NBC News (June 12, 2023). To the contrary, Sen. Whitehouse—who has repeatedly attacked Mr. Leo for his advocacy—"praised the new campaign as a tool that could help combat" his policy opponents' advocacy. *Id.*

Where, as here, the scrutiny of an investigation is aimed at only one side of the political spectrum, it is a fair inference that politics is the motivating factor. See *O'Brien v. Welty*, 818 F.3d 920, 935 (9th Cir. 2016) (holding that university's decision to block a student with a "conservative point of view" "from posting about certain issues" on a school forum "while at the same time allowing posts expressing left-leaning viewpoints to remain" supported inference of First Amendment retaliation).

The Committee's failure to make any inquiries into similar incidents involving Democrat-appointed Justices is all the more troubling when juxtaposed against the focus of the Committee's questions to Mr. Leo. The July 11 Letter was apparently spurred by a report about a single fishing trip that Mr. Leo took with Justice Alito *over fifteen years ago*. Even assuming that trip is somehow relevant to present concerns about Supreme Court ethics, the connection is highly attenuated, focused on "an object remote" from purported "legitimate concerns" about ethics standards. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 535 (1993). The notion that a fishing trip a decade and a half ago is more pertinent to the Committee's current work than a \$1 million award given to a Justice less than four years ago is not plausible and bolsters the conclusion that the Committee's inquiries are motivated by its distaste for Mr. Leo's political views. Cf. *Brown v. Ent. Merchants Ass'n*, 564 U.S. 786, 802 (2011) ("Underinclusiveness raises serious doubts about whether the government is in fact pursuing the interest it invokes, rather than disfavoring a particular speaker or viewpoint.").

### **The Committee's Inquiry Violates Equal Protection**

The Equal Protection component of the Due Process Clause of the Fifth Amendment prohibits government actions that are "based on 'an . . . arbitrary classification.'" *United States v. Armstrong*, 517 U.S. 456, 464 (1996) (quoting *Oyler v. Boles*, 368 U.S. 448, 456 (1962)). That protection extends to individuals who are not part of a protected class, see *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000), such as where unfavorable government action is taken because of "malicious or bad faith intent to injure" a particular person, *Cobb v. Pozzi*,

363 F.3d 89, 110 (2d Cir. 2004); *see also Mimics, Inc. v. Vill. of Angel Fire*, 394 F.3d 836, 849 (10th Cir. 2005) (finding equal protection violation where differential treatment of “class of one” was undertaken “out of sheer malice”). And like the First Amendment, the protections of the Fifth Amendment fully apply in the context of a congressional investigation. *See Quinn v. United States*, 349 U.S. 155 (1955).

An unlawful, discriminatory exercise of government power occurs where a person is “intentionally treated differently from others similarly situated and . . . there is no rational basis for the difference in treatment.” *Olech*, 528 U.S. at 564. For reasons already given, those conditions are met here. Mr. Leo is clearly being treated differently from similarly-situated individuals who also have close personal relationships with Supreme Court Justices or who have travelled privately with a Justice. Whereas Mr. Leo is now the subject of a congressional inquiry, the many individuals and organizations who have facilitated travel for Democrat-appointed Justices, or exchanged gifts or personal hospitality with those Justices, are apparently immune from the Committee’s attention. These are clearly individuals and organizations “who engaged in similar conduct” to Mr. Leo. *United States v. Blackley*, 986 F. Supp. 616, 618 (D.D.C. 1997) (emphasis omitted). Yet their treatment by the Committee is vastly different from its treatment of Mr. Leo.

The Committee’s focus on Mr. Leo has sometimes been explained with reference to “dark money” and “phony front groups” that are supposedly out to “capture” the Supreme Court. Senator Sheldon Whitehouse, Remarks on the Floor of the United State Senate (Sept. 13, 2022). But no member of the Committee’s Majority has expressed similar concern about liberal organizations like Arabella Advisors that fully merit the “dark money” label, and that use their clout to advocate for judicial reforms favored by progressives. *See Emma Green, The Massive Progressive Dark-Money Group You’ve Never Heard Of*, The Atlantic (Nov. 2, 2021); Editorial Board, *The Stifle Speech Act of 2022*, Wall Street Journal (Sept. 22, 2022). Again, the politically based difference in treatment is unmistakable and telling.

Further, as we have already described at length, Committee Democrats have an extensive record of vilifying Mr. Leo for his lawful public advocacy, attacking him in the harshest possible partisan terms. It is hard to conclude that the disparate treatment to which Mr. Leo is being subjected is the result of anything other than “sheer vindictiveness” motivated by politics. *Esmail v. Macrane*, 53 F.3d 176, 178 (7th Cir. 1995). It therefore violates Equal Protection.

### **The Committee Lacks a Valid Legislative Purpose**

Congress cannot conduct an investigation in connection with legislation that it cannot constitutionally enact. *See United States v. Rumely*, 345 U.S. 41, 45 (1953). Thus, a bill that, if enacted, would be unconstitutional cannot supply the Committee with a valid legislative purpose for its investigation. *See Quinn*, 349 U.S. 155, 161. That is true of the *Supreme Court Ethics, Recusal, and Transparency Act of 2023* (“Ethics Bill”), which the Committee, on purely partisan

lines, ordered reported on July 20, 2023. The Committee’s inquiry is therefore impermissible for reasons independent of the infringement of Mr. Leo’s constitutional rights.

The Ethics Bill would, among other things, establish a process by which private individuals could file complaints against Supreme Court Justices, and would empower lower court judges to rule on those complaints. *See* S. 359, 118th Cong. (2023). That arrangement offends basic separation of powers principles in at least two ways. First, it would elevate lower court judges to the position of overseers of the Supreme Court, turning upside down the hierarchy of the judicial branch mandated by the Constitution. *See* U.S. Const. art. III, § 1. Second, the bill’s complaint process would work as an engine for generating continuous harassment of Supreme Court Justices, who could be deluged with frivolous ethics complaints that would distract them from their constitutional duties. *See Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2034 (2020) (explaining that separation of powers principles are implicated where Congress harasses a coordinate branch in the performance of its duties).

More generally, any attempt by Congress to enact ethics standards for the Supreme Court would falter on constitutional objections. There is no enumerated power in Article I of the Constitution that authorizes Congress to regulate the inner workings of the Supreme Court. *See* U.S. Const. art. I. Ethics standards imposed by Congress on the Supreme Court would therefore necessarily be unconstitutional. *See New York v. United States*, 505 U.S. 144, 177 (1992) (holding congressional action unlawful where it “l[ies] outside Congress’ enumerated powers”). Likewise, regardless of their particulars, any ethics standards Congress may enact would raise separation of powers concerns of sufficient magnitude to render them invalid. *See Humphrey’s Ex’r v. United States*, 295 U.S. 602, 629 (1935) (holding that each branch of government must be “entirely free from the control or coercive influence, direct or indirect” of the other branches). The fact that Congress has already enacted laws that purport to impose ethics standards on the Justices does not change this conclusion. The legality of those laws has never been tested in court. And as Chief Justice Roberts has made clear, the Supreme Court has never acquiesced to Congress’s assertion of authority over the Court’s ethics standards, and Congress of course cannot expand its own power under the Constitution by passing an unconstitutional statute.

\* \* \*

The Senate’s investigative authority should, as a matter of both law and prudence, be exercised consistent with the freedoms guaranteed to every American by the Bill of Rights. Turning the Senate into a “platform of irresponsible sensationalism” where an individual’s “right to hold unpopular beliefs” and “right of independent thought” are disregarded is a course that we know from past experience can serve no good end. Senator Margaret Chase Smith, Declaration of Conscience (June 1, 1950). We will not be part of that journey.

July 25, 2023  
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Sincerely,

A handwritten signature in blue ink, reading "David B. Rivkin, Jr." with a stylized flourish at the end.

David B. Rivkin, Jr.  
Partner

# Key Document C

October 5, 2023

Leonard Leo  
Chairman  
CRC Advisors  
2850 Eisenhower Ave., Ste. 100  
Alexandria, VA 22314

Dear Mr. Leo:

This letter follows up on the Senate Judiciary Committee's July 11, 2023, request for information in your possession that is relevant to the Committee's ongoing legislative efforts to address the judicial ethics crisis overshadowing the Supreme Court.

Since that letter, investigative reporting has continued to expose serious shortcomings in the ethical standards that apply to Supreme Court justices. This additional reporting, along with recent actions by Justice Alito,<sup>1</sup> have further demonstrated your unique involvement in much of the conduct that has contributed to the Court's ethical crisis.

In your letter dated July 25, 2023, you declined to provide the information the Committee requested to inform its legislative efforts in these areas. As justification, you claimed this inquiry lacks a valid legislative purpose and that it constitutes political retaliation against you. There is simply no merit to your arguments that the Committee's requests are outside of its Article I oversight authority or that they violate separation-of-powers principles. Your position is at odds with basic separation-of-powers principles favoring checks and balances and rejecting the "archaic view of the separation of powers as requiring three air-tight departments of government."<sup>2</sup> Your argument is especially unreasonable in the government ethics context, given that the Judicial Conference is a creation of Congress, a number of longstanding judicial ethics-related laws have been passed by Congress, and the Supreme Court has adhered to those laws without complaint in multiple instances.

Furthermore, your claim that this inquiry is political retaliation against you personally is frivolous and mischaracterizes the focus of the Committee's investigation. As support for this assertion, you cite a list of conduct by other justices you claim has "been ignored." But all the conduct you cite was properly disclosed, whereas the Committee's investigation focuses on the problem of undisclosed conduct. Specifically, the Committee has been examining how the current ethical framework governing federal judges fails to capture the full scope of previously undisclosed gifts, transportation, and lodging made available to Supreme Court justices by parties with business before the Court.

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<sup>1</sup> See Letter from Senate Judiciary Committee Members to the Honorable John G. Roberts, Jr., Chief Justice, U.S. Supreme Court (Aug. 3, 2023).

<sup>2</sup> *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977) (internal quotation marks omitted).

As undisclosed gifts by wealthy benefactors continue to be revealed, one commonality in these reports is your connection to the undisclosed gifts from these benefactors. In addition to your involvement in the undisclosed transportation and lodging provided by Harlan Crow to Justice Thomas and facilitating the undisclosed transportation and lodging provided by Paul Singer and Robin Arkley II to Justice Alito, you have also directed tens of thousands of dollars in payments to Justice Thomas's wife Ginni Thomas under the guise of consulting payments through nonprofits with business before the Court.<sup>3</sup> Additionally, you arranged for and accompanied Justice Thomas as he attended private events for major donors to a political advocacy network that frequently appears before the Court.<sup>4</sup>

As parties with matters before the Court continue to take advantage of access to justices made possible by both disclosed and undisclosed transportation, lodging, and other gifts, the Committee must have a comprehensive understanding of the types of gifts provided and how this access is used in order to ensure that legislation is appropriately tailored to address this ethical crisis. As an apparent enabler of this access, you are uniquely situated to provide the Committee with the information we need.

Because you do not have a proper basis to withhold information from Congress, we request that you provide the Committee with all of the information requested in our July 11 letter by October 19, 2023.

Sincerely,



Richard J. Durbin  
United States Senator



Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator

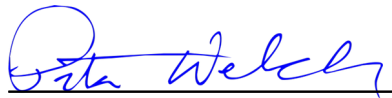


Richard Blumenthal  
United States Senator

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<sup>3</sup> Heidi Przybyla, *What Ginni Thomas and Leonard Leo wrought: How a justice's wife and key activist started a movement*, POLITICO (Sep. 10, 2023); Emma Brown, Shawn Boburg, & Jonathan O'Connell, *Judicial activist directed fees to Clarence Thomas's wife, urged 'no mention of Ginni'*, WASH. POST (May 4, 2023).

<sup>4</sup> Joshua Kaplan, Justin Elliott, & Alex Mierjeski, *Clarence Thomas Secretly Participated in Koch Network Donor Events*, PROPUBLICA (Sept. 22, 2023).



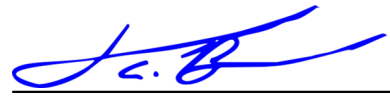
Peter Welch  
United States Senator



Alex Padilla  
United States Senator



Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Christopher A. Coons  
United States Senator



Jon Ossoff  
United States Senator

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary



# Key Document D

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October 19, 2023

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## VIA ELECTRONIC MAIL

The Honorable Richard Durbin  
Chairman  
Senate Judiciary Committee  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: Response to October 5, 2023, Letter to Leonard Leo

Dear Chairman Durbin:

We write on behalf of Leonard Leo in response to your letter of October 5, 2023, which, after a delay of approximately two and a half months, responded to our letter of July 25. In our July 25 letter, we raised various legal objections to the Committee's requests for information from Mr. Leo about his interactions with Supreme Court Justices. The October 5 Letter asserts that we "do not have a proper basis to withhold information from Congress." However, the letter is largely silent as to why our objections are supposedly unfounded, leaving us with only the Committee's *ipse dixit* that we are obligated to turn over the extensive and sensitive personal information it seeks.

We have put forward clear and detailed reasons why the Committee's inquiry is a form of political retaliation in violation of the First Amendment and the Equal Protection component of the Due Process Clause. But, for the most part, the October 5 Letter ignores these points, and, since our last correspondence, the Committee has only expanded the retaliatory campaign it is mounting against Mr. Leo. We also have explained at length why the Supreme Court ethics legislation the Committee has written would violate the separation of powers if enacted, and thus cannot legitimate the Committee's inquiry. But the October 5 Letter offers virtually nothing in the way of rebuttal, and the Committee continues to press forward with its unconstitutional bill. Across the board, the October 5 Letter tries to shield the Committee's inquiry from our

objections by simply acting as though they do not exist. Because we continue to believe that the Committee is not entitled to the personal information it seeks, and because the Committee has provided us with no arguments to the contrary, we respectfully decline to provide such information today.

**The October 5 Letter Fails to Address the Significant and Intensifying Retaliatory Acts in which the Committee Is Engaged**

In our July 25 Letter, we noted what is obvious to anyone who has been following the Committee's investigation. The Committee is engaged in a partisan project conducted only superficially in support of its efforts to write a bill that has already been written; that has no chance of ever becoming law; and that, if somehow enacted, would be peremptorily struck down as unconstitutional. The shallowness of the Committee's supposed legislative purpose clearly manifests the Committee's true aims. In actuality, the Committee is out to smear, impugn, and punish Mr. Leo, because the Committee Democrats do not like his political advocacy, and they want to shut it down. That much is clear from many public statements the Committee Democrats have made; the politically one-sided tack they have taken in charting their investigation; and the internal contradictions of their supposed legislative purpose.

Contrary to the October 5 Letter's bald assertion, these are not "frivolous" claims. The Letter's complete failure to answer our objections shows that the Committee has no answers to give. In our July 25 Letter, we quote a multiplicity of statements from Committee Democrats that plainly demonstrate deeply harbored animus toward Mr. Leo and his expressive activities. Nowhere in its October 5 response does the Committee even acknowledge these statements, let alone attempt to explain how the statements, taken together with the Committee's highly burdensome demands for information, are not a textbook example of First Amendment retaliation. Indeed, since our July 25 Letter, the Committee Democrats have intensified their rhetorical attacks on Mr. Leo's conservative views and constitutionally protected speech.

- On September 12, 2023, Chairman Durbin said that "[d]ark money continues to be a dire threat to American democracy and the integrity of the Supreme Court," and that "Leonard Leo and a gaggle of fawning billionaires" have worked to "form a calculated financial scheme, capitalize on the forthcoming Citizens United decision, and influence the Supreme Court at the expense of its reputation." Senator Richard Durbin, *Durbin Statement On Calculated Dark Money Scheme Targeting The Supreme Court By Ginni Thomas, Leonard Leo, And Network Of Billionaires* (Sept. 12, 2023). These statements were echoed on the Committee Democrats' official social media channels. Senate Judiciary Committee, Twitter (Sep. 11, 2023).
- On October 12, 2023, Senator Whitehouse said that "the ubiquitous fixer Leonard Leo" is part of a "filthy web of dark money, right-wing billionaires, compliant Supreme Court Justices." Senator Sheldon Whitehouse, Twitter (Oct. 12, 2023).
- On September 25, 2023, Senator Whitehouse claimed that "Leo orchestrates gifts and free travel from right-wing billionaires to FedSoc justices" in order to facilitate "right-wing

billionaire[s]’ ‘care-and-feeding-of-FedSoc-justices.’ Senator Sheldon Whitehouse, Twitter (Sept. 25, 2023).

These new statements, along with the ones cited in our July 25 Letter and many others, remove any doubt, if there was any to begin with, that the Committee is targeting Mr. Leo out of hostility toward his political views and associations. The Committee cannot just ignore these statements, as it did in the October 5 Letter. Statements by government officials that “disparage” and evince “clear . . . hostility” toward a person’s beliefs lead inescapably to the conclusion that the officials’ actions are taken out of “animosity” toward a person’s protected activities. *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm’n*, 138 S. Ct. 1719, 1729 (2018). Thus, “expression[s] of opposition to . . . protected speech” demonstrate the animus necessary to establish a claim of First Amendment retaliation. *Boquist v. Courtney*, 32 F.4th 764, 777 (9th Cir. 2022). Here, the amount of vitriol directed at Mr. Leo by leading members of the Committee on account of his political activities makes uncontestable our conclusion that this inquiry is motivated by unlawful animus.

The Committee Democrats’ statements are merely one of many indications that this inquiry is driven by a desire to harass and silence Mr. Leo. Another hallmark of unlawful First Amendment retaliation is an incongruity between what government officials say they are trying to accomplish and what they actually do. “Underinclusiveness in [government actions] may reveal that motives entirely inconsistent with the stated interest actually lie behind [the actions].” *Republican Party of Minnesota v. White*, 416 F.3d 738, 757 (8th Cir. 2005). That squarely describes the manner in which the Committee is conducting its inquiry.

The October 5 Letter states that the Committee seeks information from Mr. Leo in order to gain a “comprehensive understanding” of the supposed risk that “parties with matters before the Court [are] tak[ing] advantage of access to justices made possible by both disclosed and undisclosed transportation, lodging, and other gifts.” As measured against that objective, the means that the Committee has deployed to acquire a “comprehensive understanding” of the influence peddling that they imagine is occurring at the Court clearly miss the mark.

If, as the October 5 Letter says, the supposed problem that concerns the Committee is improper “access to justices,” then the Committee should be looking at the trips and events that are disclosed by the Justices (or at least publicly known) every bit as much as those that are not. Indeed, the October 5 Letter itself states that the Committee is interested in access “made possible by both *disclosed* and undisclosed” gifts and travel. (Emphasis added). In recent years, Justices Stephen Breyer, Ruth Bader Ginsburg, Ketanji Brown Jackson, Elena Kagan, and Sonia Sotomayor have disclosed hundreds of trips and events involving progressive legal and policy organizations, elite law schools, bar associations, and other legal membership groups. These institutions and organizations are almost exclusively governed and populated by the Left, and the attendees at their events are predominantly influential liberals. If the Committee were actually pursuing the inquiry it claims, these frequent trips and events would be of *at least* as much interest to the Committee as a fishing excursion Mr. Leo took with Justice Alito 15 years ago. In fact, there is every reason to believe that the countless private and social conversations that take place between Justices and legal or policy thought leaders and advocates at events sponsored by institutions such as the Aspen Institute, Planned Parenthood, Yale and Harvard Law Schools, the

American Bar Association, and the American Constitution Society are *more* consequential than instances of hospitality extended to the Justices by and amongst friends.

The Committee insists that it needs information about events, trips, and private hospitality extended to Justices Clarence Thomas and Samuel Alito, but, at the same time, shows absolutely no interest in Justice Ginsburg's visit to a Planned Parenthood event; or an invitation-only, privately funded event at the Library of Congress celebrating Justice Jackson's investiture; or Justice Sotomayor's visit to the American Constitution Society; or Justice Breyer's many trips to the Aspen Ideas Festival. The fact that attendance at those events was disclosed or publicly known says nothing about what occurred at those gatherings, why the Justices were invited to attend, who else attended the events, what interests those other attendees had in matters pending before the Court, or what subjects were raised with the Justices by those other attendees. The same is true of the numerous visits those same Justices have made to the most Left-of-center law schools and lawyers' membership groups in America, which are populated by many individuals with significant interests and participation in the work of the Court, and who certainly had access to the Justices during the Justices' visits.

Beyond events and trips, there are other activities of the Democrat-nominated Justices to which the Committee has turned a blind eye, despite significant media coverage of those activities. For example, there has been considerable press attention given to the "RBG" documentary in which Justice Ginsburg participated that was released right before the 2018 midterm elections—a far more recent and significant event than a 2008 fishing trip. Participant Media, which purchased the distribution rights for the documentary, was founded by billionaire Jeffrey Skoll "to bring you the most politically charged movies of the year." Scott Tobias, *Participant Media Wants to Bring You the Most Politically Charged Movies of the Year*, GQ (Sept. 17, 2015). Further, Mr. Skoll is a known political activist. His philanthropic enterprises have given more than \$27 million to Arabella Advisers' Leftwing dark money network. On these facts, Mr. Skoll's political activism clearly raises questions about his unparalleled access to and collaboration with a sitting Justice that would be of interest to the Committee if it were actually engaged in the legislative work it claims.

Another item that would, by any fair assessment, be of interest to the Committee if it cared about supposed influence peddling at the Court is Justice Ginsburg's receipt of a \$1 million prize awarded by the Berggruen Institute. This is, by far, the largest gift that any Justice has disclosed over the past two decades. The announcement of the award states that Justice Ginsburg would direct the \$1 million "to charitable or non-profit organizations that she designates." Rachel Bauch, *Annual Berggruen Prize for Philosophy & Culture Awarded to U.S. Supreme Court Justice Ruth Bader Ginsburg for Her Work in Pioneering Gender Equality and Strengthening the Rule of Law*, Berggruen Institute (Oct. 23, 2019). Since Justice Ginsburg's death, the Institute has stated that the list of recipients, "per her wishes, is not for publication." Andrew Kerr, *Ruth Bader Ginsburg's Mysterious \$1 Million Prize*, The Washington Free Beacon (July 19, 2023). Despite the award's obvious relevance to the Committee's purported concerns, the Committee has made no inquiries into what interests the Institute, its benefactor, or those on its prize selection committee might have that are related to the work of the Supreme Court, or whether any of the prize money went to groups with business before the Court. See Appendix, *Representative Examples of Disclosed Events* for further examples and discussion. The Committee has instead decided to focus

exclusively on the private social interactions of Republican-appointed Justices with personal friends who happen to be conservatives.

In sum, the investigation in which the Committee is engaged is so “woefully underinclusive as to render belief in [its] [stated] purpose a challenge to the credulous.” *Republican Party of Minnesota v. White*, 536 U.S. 765, 780 (2002). The chasm between what the Committee says it is doing and what it is actually doing is immense. Indeed, even in its own letter, the Committee cannot keep its story straight. The October 5 Letter’s meager response to our previous recitation of instances where Democrat-nominated Justices could possibly have been exposed to improper influence peddling—and why those instances clearly implicate the Committee’s supposed concerns—is that “the Committee’s investigation focuses on the problem of undisclosed conduct.” But, as already noted, the very next page of the letter states that the primary issue on which the Committee has trained its attention is untoward “access to justices made possible by both *disclosed* and undisclosed transportation, lodging, and other gifts.” (Emphasis added). So which is it? The truth is that it is neither. Whether disclosed or undisclosed, what the Committee clearly cares most about is obtaining information that it believes will help it punish and embarrass people like Mr. Leo with whom Committee Democrats have political disagreements. Because the Committee’s “proffered explanation is unworthy of credence,” it “demonstrate[s] pretext,” which can only lead to an inference of retaliatory motive. *Alston v. Town of Brookline*, 997 F.3d 23, 46 (1st Cir. 2021).

Another internal contradiction that characterizes the Committee’s inquiry is that the objective in support of which the inquiry is supposedly being pursued has already been effected. The Committee says that it wishes to solve an ethics problem at the Supreme Court, and Committee Democrats have described S. 359, the Supreme Court Ethics, Recusal, and Transparency (“SCERT”) Act of 2023, as the “comprehensive” solution to that problem. Senator Sheldon Whitehouse, Remarks at Executive Meeting of Senate Judiciary Committee (July 20, 2023). But the SCERT Act has already been reported out of Committee. *See* Supreme Court Ethics, Recusal, and Transparency Act of 2023, S. 359, 117th Cong. (as reported by S. Comm. on the Judiciary, Sept. 5, 2023). Logically, that means the Committee must have concluded that it already had enough information to make an informed legislative decision about what kinds of ethics reforms are needed. Despite this, the Committee’s investigation carries on, and a renewed request for information has been lodged months after the Committee voted to report the bill out of committee. The sequencing of bill writing, bill consideration, and bill reporting followed by purported factual investigation is odd, to put it charitably.

Another oddity of the timing of the Committee’s inquiry is that the renewed request for information comes more than two months after our last correspondence with the Committee. If the ethics issues on which the Committee purports to be fixated did in fact present “a dire threat to American democracy,” a greater sense of urgency would be expected. Senator Richard Durbin, Press Release: Durbin Statement On Calculated Dark Money Scheme Targeting The Supreme Court By Ginni Thomas, Leonard Leo, And Network Of Billionaires (Sept. 12, 2023). Again, the contradiction between the Committee’s words and actions is stark.

The Committee’s inquiry is defined by internal inconsistencies, over the top accusations of misconduct, and a myopic focus on one side of the political aisle that likely has more to do with soliciting donations for reelection campaigns than securing information that might assist in the discharge of the Committee’s lawmaking responsibilities. From top to bottom, the inquiry is a

political operation that is being advanced under the guise of a congressional investigation. Because of the “implausibilities, inconsistencies, incoherencies, [and] contradictions in [the Committee’s] proffered legitimate reasons” for its inquiry, the inference that Mr. Leo is being targeted because of his expressive activities is unshakeable, and the October 5 Letter does not even try to rebut it. *Alston*, 997 F.3d at 46.<sup>1</sup>

### **The Committee Continues to Act Without a Valid Legislative Purpose**

Critically, the Senate does not “possess[] the general power of making inquiry into the private affairs of the citizen.” *Kilbourn v. Thompson*, 103 U.S. 168, 190 (1880). That limitation on the Senate’s investigative powers is especially important where the inquiry into private matters is made simply “to expose for the sake of exposure,” to harass and humiliate. *Watkins v. United States*, 354 U.S. 178, 200 (1957). Where the “predominant result” of a congressional investigation “can only be an invasion of the private rights of individuals,” the investigation cannot proceed for lack of a legislative purpose. *Id.*

Here, the unnecessary disclosure of details about Mr. Leo’s private life is not just the predominant intended result of the Committee’s inquiry, it is likely the only result. Any information Mr. Leo might share with the Committee could not possibly aid in the drafting of a bill that has already been reported out of Committee. Nor can the Committee plausibly claim that information from Mr. Leo is needed to help write other ethics bills. The SCERT Act was—in Committee Democrats’ own telling—their “comprehensive” solution to the imagined ethics crisis at the Supreme Court, which makes this ongoing investigation an afterthought disjoined from any actual legislative work. *See Watkins*, 354 U.S. at 187 (“No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress.”).

Instead, as we have stressed, the Committee’s inquiry actually appears to be undertaken for the unfortunate and improper purposes of scoring partisan points against a detested political opponent and vilifying him in the court of public opinion. *See Watkins*, 354 U.S. at 187 (“Investigations conducted solely for the personal aggrandizement of the investigators or to ‘punish’ those investigated are indefensible.”). Dredging up content for inflammatory Tweets and fundraising appeals that are circulated far and wide outside the Senate chamber is not a valid legislative purpose. *Cf. Doe v. McMillan*, 412 U.S. 306, 314–15 (1973) (“[R]epublishing a libel . . . is not an essential part of the legislative process.”). Similarly, the Committee’s attempt to manufacture the appearance of wrongdoing on the part of Mr. Leo in connection with an alleged “financial scheme” to “influence the Supreme Court,” and to set itself up as judge and jury of that supposed wrongdoing, is not a valid legislative purpose; it is an attempted congressional prosecution. *See Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2032 (2020) (“Congress may not use subpoenas to ‘try’ someone ‘before [a] committee for . . . wrongdoing.’” (quoting *McGrain v. Daugherty*, 273 U.S. 135, 179 (1927) (alteration in original))).

Further, even if the SCERT Act were still pending in Committee, our position would be the same. The Committee cannot derive a valid legislative purpose from lawmaking activities that can

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<sup>1</sup> For similar reasons, our view that the Committee’s actions also constitute an Equal Protection violation has only hardened in the intervening months since we last wrote the Committee. As with the points raised in our July 25 Letter concerning First Amendment retaliation, the October 5 Letter neglects to address or respond to our Equal Protection concerns.

only culminate in the enactment of an unconstitutional law. “[T]he power to investigate . . . does [not] extend to an area in which Congress is forbidden to legislate.” *Quinn v. United States*, 349 U.S. 155, 161 (1955). In virtually every one of its provisions, the SCERT Act transgresses the bounds placed on Congress by the Constitution. If enacted, it would be a dead letter in the courts, and therefore cannot supply the Committee with the legislative purpose it needs to move forward with its inquiry.

To take just one especially egregious example, the SCERT Act would force a Justice to recuse from cases where the Justice “knows that a party to the proceeding or an affiliate of a party to the proceeding made any lobbying contact . . . or spent substantial funds in support of the nomination, confirmation, or appointment of the justice or judge,” or where the Justice “their spouse, their minor child, or a privately held entity owned by any such person received income, a gift, or reimbursement” “from a party to the proceeding or an affiliate of a party to the proceeding.” S. 359 § 4. In addition, the bill would allow inferior court judges to investigate complaints made against a Justice who failed to recuse in a given case and take disciplinary action if they conclude a violation occurred. *Id.* § 2(a).

These provisions, if they were to ever become law, would be blatant usurpations by Congress of the judicial power. *See Loving v. United States*, 517 U.S. 748, 757 (1996) (“[I]t remains a basic principle of our constitutional scheme that one branch of the Government may not intrude upon the central prerogatives of another.”). Recusal decisions, like other judicial determinations, are made in the context of a case or controversy pending before the Court and have historically been left to the discretion of the individual Justices. *See* Louis J. Virelli III, *The (Un)constitutionality of Supreme Court Recusal Standards*, 2011 Wis. L. Rev. 1181, 1195 (2011). Time and again, courts have described recusal decisions as a core “judicial function.” *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868, 882 (2009). That historical practice carries “significant weight” when charting the lines that separate the respective powers of the coordinate branches of government. *NLRB v. Noel Canning*, 573 U.S. 513, 524 (2014). In consequence, it is not within Congress’s power to direct or regulate how recusal decisions are made. *See United States v. Brown*, 381 U.S. 437, 442 (1965) (“[T]he separation of powers” prohibits the “legislative exercise of the judicial function.”).

Moreover, the notion that Congress could set up inferior court judges as overseers of Supreme Court Justices’ conduct turns on its head the structure of the judicial branch ordained by Article III of the Constitution. *See* U.S. Const. art. III, § 1. Article III does not create “a batch of unconnected courts, but a judicial *department*, composed of ‘inferior Courts’ and ‘one supreme Court,’” which serves as “the final word of the department as a whole” and is not answerable to the courts below it. *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 227 (1995). By inverting this structure, the SCERT Act would “impermissibly threaten[] the institutional integrity of the Judicial Branch.” *Mistretta v. United States*, 488 U.S. 361, 383 (1989) (quoting *Commodity Futures Trading Comm’n v. Schor*, 478 U.S. 833, 851 (1986)). It would be the equivalent of Congress empowering subordinate executive branch officers to second-guess the President’s actions and reprimand him where they disagreed with his conduct. Such an arrangement would plainly “compromise the integrity of the system of separated powers and the role of the Judiciary in that system.” *Stern v. Marshall*, 564 U.S. 462, 503 (2011).



As with the rest of its response to our legitimate concerns, the October 5 Letter makes only a half-hearted gesture at grappling with the grave separation of powers issues that the Committee's actions implicate. The Letter gives as its rebuttal the solitary citation of *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977), for the proposition that our position reflects an "archaic view of the separation of powers as requiring three air-tight departments of government." The disconnect between that blithe assertion and the seriousness of our objections is striking. In *Nixon*, the Court cautioned that the separation of powers is breached where Congress's actions create "undu[e] disrupti[on]" in the workings of another branch that prevents the other branch "from accomplishing its constitutionally assigned functions." *Id.* at 445. Just because the powers of the federal government are not siloed in three "air-tight" departments does not mean that Congress can insert itself into any and all functions that are assigned to the judicial branch. The SCERT Act would intrude directly on core judicial functions, and therefore exceeds Congress's constitutional authority.

\* \* \* \* \*

Speaking in another context, then-Attorney General Robert Jackson said that the "greatest danger of abuse" of the government's investigative power comes when government officials "pick[] the man" "whom [they] dislike[] or desire[] to embarrass" and "then search[] the law books, or put[] investigators to work, to pin some offense on him." Robert H. Jackson, Address to the Second Annual Conference of United States Attorneys (April 1, 1940). The Committee Democrats have already made up their minds about Mr. Leo. In Committee Democrats' imagining, Mr. Leo is a "right-wing" "fixer" who sits atop a conspiracy to capture the Supreme Court and poses a "dire threat to American democracy," and they appear determined to use the Committee's investigative tools in an attempt to uncover evidence to substantiate those noxious beliefs, or at least to impose immense and costly burdens on Mr. Leo in order to punish him for his disfavored views. It is not our responsibility to aid in that partisan effort, and we choose not to do so today.

Sincerely,

*David B. Rivkin, Jr.*

David B. Rivkin, Jr.  
Attorney for Leonard A. Leo

## APPENDIX

### *Representative Sampling of Disclosed Events*

- At Justice Jackson’s request, the Library of Congress hosted an invitation-only, privately funded event celebrating her investiture. *See* Houston Keene, *Library of Congress explains why it hosted Jackson investiture but not for Gorsuch, Kavanaugh, Barrett*, FOX News (Sept. 30, 2022), <https://www.foxnews.com/politics/library-congress-hosts-event-ketanji-brown-jackson-kavanaugh-gorsuch-barrett>. Has the Committee investigated the sources of funding for this celebration or requested a list of attendees?
- NYU Law has financed Justice Sotomayor’s international travel without apparent benefit to the university. In 2019, she disclosed spending more than two weeks at a “leadership conference” in Lisbon, Portugal on NYU Law’s dime; in 2021, a week in Edinburgh, Scotland. Press releases for these events highlight presentations by other high-profile guests but fail to mention any remarks by Sotomayor. *See The Global Future*, NYU Law (Sept. 4, 2019), <https://www.law.nyu.edu/news/conference-lisbon-global-future>; *Convening in Edinburgh*, NYU Law (Sept. 8, 2022), <https://www.law.nyu.edu/news/magazine-2022-convening-in-edinburgh>. And unlike her colleagues who take University-funded international travel, Sotomayor does not have a teaching appointment at NYU Law. Has the Committee inquired as to the purpose of Justice Sotomayor’s participation in these conferences?
- One week before the Court decided *Dobbs v. Jackson Women’s Health*, Justice Sotomayor was the keynote speaker at the American Constitution Society’s National Convention, which also included panel discussions on topics including “responding to attacks on reproductive rights.” *2022 ACS National Convention*, American Constitution Society, <https://www.acslaw.org/get-involved/acs-conventions/2022-acs-national-convention/> (last visited Oct. 18, 2023). When the Court decided *Dobbs* the following week, ACS condemned the Court’s decision and highlighted Justice Sotomayor’s comment at oral argument that “the Court’s credibility will not survive the stench of this decision.” *See ACS Statement in Response to the Supreme Court Overturning Roe v. Wade* (June 24, 2022), [https://www.acslaw.org/press\\_release/acs-statement-in-response-to-the-supreme-court-overturning-roe-v-wade/](https://www.acslaw.org/press_release/acs-statement-in-response-to-the-supreme-court-overturning-roe-v-wade/). Has the Committee sought to determine whether Justice Sotomayor discussed “attacks on reproductive rights” with any speakers or attendees at the ACS convention while *Dobbs* remained pending?
- Justices Kagan and Breyer have both accepted free trips to give remarks at the Aspen Ideas Festival—an event known as “a virtual cattle call of Washington politicians.” Patrick Gavin, *Aspen Ideas a political who’s who*, POLITICO (May 22, 2013), <https://www.politico.com/story/2013/05/aspen-ideas-festival-speakers-091729>. When Kagan attended in 2013, she disclosed spending six days at the festival. Breyer has attended several times—he spent four days there in 2018, two days in 2013, and a week in 2009. Has the Committee investigated how the justices spent their time at the festival outside of their speaking engagements?
- Justice Breyer has taken more than a dozen trips paid for by one of the wealthiest families in America, the Pritzker family. As a juror for a Pritzker-funded architecture prize, Breyer accepted free trips to Africa, South America, Europe, and elsewhere to view architectural sites and attend award ceremonies—private events attended only by those select individuals who received invitations “directly from the Pritzker family.” *See FAQ*, The Pritzker Architecture

Prize, <https://www.pritzkerprize.com/FAQ> (last visited Oct. 18, 2023). Members of the Pritzker family and their organizations fund many Left-wing groups with business before the Court, such as Planned Parenthood and the Center for American Progress. Has the Committee investigated Justice Breyer's relationship with the Pritzkers? Has the Committee requested from the Pritzkers an itemized list of gifts, payments, and items of value exceeding \$415 they provided to any Justice of the Supreme Court or a member of the Justice's family that they had a role in facilitating or arranging?

- In 2013, Justice Breyer accepted a ride to a Nantucket wedding on a private jet owned by billionaire David Rubenstein, co-founder and co-chairman of the Carlyle Group. *See Thanks to Private Jet Ride, Justice Breyer Makes Appearance at Private Wedding Public*, Fix the Court (Dec. 2, 2014), <https://fixthecourt.com/2014/12/thanks-private-jet-ride-justice-breyer-makes-appearance-private-wedding-public/>. Has the Committee investigated Breyer's relationship with Rubenstein? Has the Committee requested from David Rubenstein an itemized list of all transportation or lodging provided to a Justice of the Supreme Court or a member of the Justice's family?
- Justice Breyer and his wife have on several occasions accepted free trips to attend the Sun Valley Writers' Conference, known as a gathering of "important and talented people." *See* Michael Ames, *The Supremacy of Law: Justice Stephen Breyer at Sun Valley Writers' Conference*, HUFFPOST (May 25, 2011), [https://www.huffpost.com/entry/the-supremacy-of-law-just\\_b\\_707698](https://www.huffpost.com/entry/the-supremacy-of-law-just_b_707698). There, he has been featured as a presenter alongside writers from Left-wing publications, former senior Obama administration officials, liberal law professors, and a British Labour Party leader, among others. *See Past Presenters*, Sun Valley Writers' Conference, <https://svwc.com/past-presenters> (last visited Oct. 18, 2023). Breyer has generally spent at least four days at the conference. Has the Committee investigated how Justice Breyer spent his time at these events outside his speaking engagements?
- In 2018, billionaire Israeli businessman Morris Kahn hosted Justice Ginsburg on a trip to Israel and Jordan, for which he covered her transportation, lodging, and meals. Kahn's companies have had business before the Supreme Court: In November 2017, for example, the Court delivered a victory to a Kahn-founded company by declining to hear a patent-related case. *See* Karl Evers-Hillstrom, *Supreme Court justices continue to rack up trips on private interest dime*, Open Secrets (June 13, 2019), <https://www.opensecrets.org/news/2019/06/scotus-justices-rack-up-trips/>. Has the Committee sought more information regarding Justice Ginsburg's relationship with Kahn?
- In 2016, when Justice Sotomayor gave the commencement address at the University of Rhode Island, the University paid for a block of rooms at a boutique hotel for Sotomayor's guests. *See* Joshua Eaton, *Supreme Court justices' perks revealed in new report*, Roll Call (Mar. 24, 2020), <https://rollcall.com/2020/03/24/supreme-court-justices-perks-revealed-in-new-report/>. Sotomayor initially failed to include this trip on her financial disclosure and agreed to amend the form after a court transparency group raised questions. *See* Debra Cassens Weiss, *2 SCOTUS justices agree to amend financial disclosures after Fix the Court asks questions*, ABA Journal (Mar. 24, 2020), <https://www.abajournal.com/news/article/justices-agree-to-amend-disclosures-after-fix-the-court-asks-questions>. Has the Committee investigated who stayed in the block of rooms the University reserved under Sotomayor's name?

- Justice Ginsburg maintained a longstanding relationship with the NOW Legal Defense and Education Fund, a liberal advocacy group. In 2004—two weeks after voting for a position the organization advocated at the Court—Ginsburg gave remarks at an event the group co-sponsored, titled the “Justice Ruth Bader Ginsburg Distinguished Lecture Series on Women and the Law.” She was criticized at the time for crossing an ethical line. *See* Richard A. Serrano & David G. Savage, *Ginsburg Has Ties to Activist Group*, L.A. Times (Mar. 11, 2004), <https://www.latimes.com/archives/la-xpm-2004-mar-11-na-ginsburg11-story.html>. On another occasion, she donated an autographed Supreme Court opinion to the group for fundraising purposes. *See* James Sample, *Supreme Court Recusal: From Marbury to the Modern Day*, 26 Geo. J. Legal Ethics 95, 124 (2013). Has the Committee investigated the propriety of Justice Ginsburg’s relationship with an advocacy group with business before the Court?

# Key Document E

RICHARD J. DURBIN, ILLINOIS, CHAIR

SHELDON WHITEHOUSE, RHODE ISLAND  
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JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 4, 2024

Leonard Leo  
Chairman  
CRC Advisors  
2850 Eisenhower Ave., Ste. 100  
Alexandria, VA 22314

Dear Mr. Leo:

On November 30, 2023, the Senate Judiciary Committee authorized me to seek compulsory process for information responsive to the Committee's July 11 and October 5 requests related to your involvement in and facilitation of gifts of travel, luxury vacations, and other largesse provided to Justice Clarence Thomas, Justice Samuel Alito, or any other justice. I write to seek your voluntary compliance one final time before exercising that authority.

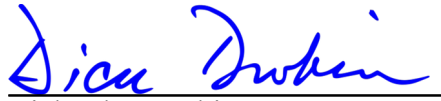
In your October 19 letter to the Committee, you again declined to comply with the Committee's request. You made an additional argument that because the Committee had already reported the *Supreme Court Ethics, Recusal, and Transparency Act* to the full Senate "[l]ogically, that means the Committee must have concluded that it already had enough information to make an informed legislative decision about what kinds of ethics reforms are needed." This contention fundamentally misstates how the legislative process functions. Legislation can be, and frequently is, revised up until enactment, incorporating new information at every stage, whether in Committee, on the floor, or in conference committee to resolve differences between House and Senate bills. For that reason, Congress often pursues information to strengthen legislation throughout the legislative process. After enactment, Congress continues to conduct oversight on the efficacy of legislation to determine if and when it needs to be amended or repealed.

This Committee remains committed to ensuring that legislation is appropriately tailored to address the ethical crisis the Supreme Court is facing. While the Court's adoption of the first code of conduct in its history is a welcome step, the Court itself acknowledges that "for the most part, these rules are not new." This is a significant problem, because the Court's previous ethics practices were plainly inadequate. In particular, the lack of a meaningful enforcement mechanism in the code of conduct demonstrates the need for congressional action to ensure the justices' ethical conduct and restore public faith in the Court.

Your role as an apparent enabler of gifts to multiple justices and the resulting private access to the justices and their families are at the heart of this issue. Therefore, you are uniquely situated to provide the Committee with the information it needs to ensure that any ethics legislation works as intended for all parties, including all nine justices, regardless of the political party of the President who appointed them.

If you do not voluntarily provide a satisfactory response to the Committee's requests by January 25, I will issue subpoenas to you and your three holding companies pursuant to the authority granted to me by the Committee.

Sincerely,

  
Richard J. Durbin  
Chair

cc: The Honorable Lindsey O. Graham  
Ranking Member

# Key Document F



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January 24, 2024

The Honorable Richard Durbin  
Chairman  
Senate Judiciary Committee  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

**Re:** *Response to January 4, 2024, Letter to Leonard Leo*

Dear Chairman Durbin:

We write on behalf of Leonard Leo in response to your letter of January 4, 2024, which asks that Mr. Leo provide a “satisfactory response” to the Committee’s past requests for information about Mr. Leo’s relationship with Justices Alito and Thomas, or face the threat of compulsory process. Unfortunately, however, the improper and partisan nature of the Committee’s investigation and its repeated baseless attacks on Mr. Leo continue to make any meaningful engagement on this subject impossible. Moreover, the Committee’s investigation itself is constitutionally flawed and its attempt to authorize a subpoena through a November 30 business meeting is riddled with procedural defects, and thus a legal nullity. We must therefore again respectfully decline to supply the Committee with responses to its questions.

In our prior correspondence with the Committee, we have repeatedly expressed serious concerns about the impermissible retaliatory intent that clearly animates the Committee’s investigation. Targeting a private citizen in a politicized investigation to punish his lawful exercise of his First Amendment rights is a grievous abuse of power, and it is beneath the dignity of the Senate Judiciary Committee. *See Connick v. Myers*, 461 U.S. 138, 145 (1983) (noting the “Constitution’s special concern with threats to the right of citizens to participate in political affairs” under the First Amendment). In its latest correspondence the Committee again has failed to even

attempt to address our legitimate concerns. Instead, the Committee has used the intervening months since our last correspondence to escalate its meritless attacks on Mr. Leo.

Committee members continue to deluge the public square with lies and innuendo about Mr. Leo that are clearly designed to vilify him because of his political advocacy. Worse, the Committee now threatens Mr. Leo with compulsory process. And the resolution purportedly authorizing a subpoena of Mr. Leo passed only after one of the most acrimonious Committee business meetings in recent memory. The Committee committed no less than three glaring violations of Committee and Senate rules, and it likely decimated any hopes of productive bipartisan cooperation among Committee members for the foreseeable future. And it did so as part of a sham investigation that it has no authority to pursue. These latest developments add to the already expansive body of evidence that the Committee is acting with retaliatory motive.

### **The Committee's Investigation Is Unconstitutional and Lacks a Valid Legislative Purpose**

As we discuss below, the subpoena with which the Committee threatens Mr. Leo would, if issued, be the product of grievous procedural errors, and thus be of no legal effect. We also wish to impress upon the Committee, as we have twice before, that, in substance, too, the investigation the Committee is pursuing is far beyond the bounds of any legitimate congressional investigation. The investigation transgresses Mr. Leo's First Amendment rights and right to equal protection under the law. It is being pursued in support of legislation that, if enacted, would have no mooring in any of Congress's enumerated powers and be impossible to reconcile with the separations of powers. And it is, for these reasons, an investigation that would have no legitimate claim to the information it seeks, even if the Committee had followed its own rules when attempting to authorize subpoenas.

In our previous letters, we have identified the many ways in which the Committee's investigation is a transparently partisan attempt to attack Mr. Leo because of his political activities and beliefs, in violation of Mr. Leo's First Amendment rights. Statements by Committee members, for example, lambasting Mr. Leo for his protected political advocacy demonstrate unlawful retaliatory animus. See *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm'n*, 138 S. Ct. 1719, 1729 (2018) (noting that statements that "disparage" and evince "clear . . . hostility" toward a person's beliefs demonstrate retaliatory "animosity" toward a person's protected activities). The inference of retaliatory animus is substantiated by the one-sided nature of the Committee's investigation, which is focused only on obtaining information about Justices appointed by Republican presidents, even though there are ample examples, including many that we have provided to the Committee, of potential ethics issues that concern Democrat-appointed Justices. Cf. *Brown v. Ent. Merchants Ass'n*, 564 U.S. 786, 802 (2011) ("Underinclusiveness raises serious doubts about whether the government is in fact pursuing the interest it invokes, rather than disfavoring a particular speaker or viewpoint"). Likewise, the illogical manner in which the investigation has been conducted—with the Committee having already written and passed the bill in the service of which it claims to be conducting this investigation—also shows that the Committee is not actually pursuing its stated goals. See *Alston v. Town of Brookline*, 997 F.3d 23,

46 (1st Cir. 2021) (“implausibilities, inconsistencies, incoherencies, or contradictions” in the government’s stated reasons for its action may show pretext (quoting *Hodgens v. Gen. Dynamics Corp.*, 144 F.3d 151, 166 (1st Cir. 1998))).<sup>1</sup>

The investigation is also unlawful because the legislation—the Supreme Court Ethics, Recusal, and Transparency Act (“SCERT Act”)—in the service of which the investigation was supposedly launched would be unconstitutional if it were ever enacted. Congress cannot investigate in connection with legislation that Congress cannot constitutionally legislate. See *United States v. Rumely*, 345 U.S. 41, 45 (1953). And Congress cannot enact legislation that is not grounded in an enumerated power. See *New York v. United States*, 505 U.S. 144, 177 (1992) (holding congressional action unlawful where it “[l]ies] outside Congress’ enumerated powers”). The SCERT Act has no connection whatsoever to any of Article I’s enumerated powers.

Further, the SCERT Act, or any other ethics standard Congress may seek to impose on the Supreme Court, would violate the separation of powers in two ways. First, such a law would “arrogate power” to Congress to regulate the internal workings of the judiciary that rightfully belongs to the Supreme Court. *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 500 (2010). Second, it would “impair [the Court] in the performance of its constitutional duties” by inserting political influence into the Court’s operations. *Loving v. United States*, 517 U.S. 748, 757 (1996).

In short, the Committee’s investigation has at least four constitutional defects, and no valid legislative purpose.

### **The Committee Violated Three of Its and the Senate’s Own Rules on November 30 In Its Unseemly Haste to Target Mr. Leo**

It is well-understood that any subpoena the Committee attempts to issue based on its November 30 business meeting would be invalid; so much so that Committee Democrats felt the need to devote a page of their web site attempting to rebut what everyone knows. Attached to this letter is an opinion by Martin Gold explaining why any such subpoenas would be invalid. Mr. Gold is an expert on Senate rules and procedure, having worked for two former Senate Majority Leaders, served as Staff Director and Counsel to the Senate Committee on Rules and Administration, and written a seminal guide to Senate procedure. See *Senate Procedure and Practice* (4th ed. 2018). Mr. Gold explains, in his words, why the November 30 business meeting did not validly authorize subpoenas for Mr. Leo and Mr. Crow. We do so here in our words.

**First**, the Senate’s Two-Hour Rule provides that “no committee . . . may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced.” Senate Rule XXVI(5)(a). Any action taken after the two-hour period is “null, void,

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<sup>1</sup> Many of the outrageous statements that Committee members have made about Mr. Leo and the selectivity of the investigation’s focus also show that the Committee is acting with “malicious or bad faith intent to injure” Mr. Leo and thereby violating the Equal Protection Clause of the Fifth Amendment. *Cobb v. Pozzi*, 363 F.3d 89, 110 (2d Cir. 2004).

and of no effect.” Riddick’s Senate Procedure at 406. On November 30, the Senate convened at 10:00 a.m., meaning that the Committee had until noon to conduct business. *See* Government Publishing Office, Senate Daily Digest (Nov. 30, 2023). Yet, the Committee voted to authorize the subpoenas at approximately 12:02 p.m., a time when it had no power to act. The violation could not be more clear cut.

**Second**, the Chairman of the Committee may not subpoena the target of an investigation absent either an agreement with the Ranking Member or an authorizing vote of the Committee. *See* Committee Rule IX. Committee Rule IV provides that a matter such as a subpoena authorization may be brought to a vote without further debate only if at least one of the votes to end debate is “cast by the minority.” Committee Rule IV. Until debate is ended, no vote on the underlying matter may be had. At the November 30 meeting, Chairman Durbin sought to end debate on the subpoena authorization without obtaining the support of a single member of the minority. *See* Senate Judiciary Committee, Executive Business Meeting (Nov. 30, 2023), available at <https://www.judiciary.senate.gov/committee-activity/hearings/11/30/2023/executive-business-meeting>. Chairman Durbin nonetheless proceeded to call a vote on the underlying authorization resolution, in direct contravention of Rule IV.

**Third**, to conduct business, the Committee must have a quorum, which, under Committee Rule III, means that nine Committee members, *including two members of the minority party*, must be present. *See* Committee Rule III. By the time Chairman Durbin called the vote on the subpoena authorization during the November 30 meeting, however, no Republican member of the Committee was present. Without a quorum, the Committee was not competent to conduct business. As a result, any subpoena it purported to authorize would be invalid.

At the November 30 meeting and in a recent press statement, the Committee Democrats offered various reasons why these obvious rule violations should be excused. But none of the Committee’s attempts to justify its disregard of the rules withstands scrutiny. For example, the Committee claims that the Senate did not convene on November 30 until 10:01 a.m., and that the authorization vote was therefore within the two-hour window. *See* Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>. But that claim is simply incorrect: the Senate’s Daily Digest for November 30 shows that the Senate convened at 10:00 a.m. And given that the authorization vote did not conclude until 12:02 p.m., the vote would have violated the Two Hour Rule even if the Senate had convened at the time the Committee claims.

Next, to rationalize its decision to ignore Rule IV, the Committee relies on two prior Committee actions as precedents for violating the plain text of Rule IV. *See* Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>. But those prior actions cannot excuse the Committee’s misconduct on November 30. The first cited example involved a vote to report the nomination of Justice Kavanaugh to the Senate floor over the objection of Committee Democrats. Because the Committee’s vote on the Kavanaugh nomination was an “[a]ction . . .

reporting [a] matter or measure” out of Committee, the nomination was subject to the so-called “cleansing clause” of Senate Rule XXVI(7)(a)(3), which cured the nomination of any procedural errors that may have occurred in Committee, including a violation of Rule IV. The second example involved a vote to report an immigration bill to the Senate floor, also without any Democratic support. Because this measure was reported to the Senate floor, it was subject to the cleansing clause as well.

The same is *not* true of the November 30 subpoena authorization. Under Senate Rules, committees have direct subpoena authority and are not required to report subpoena authorization resolutions to be acted on by the full Senate. *See* Senate Rule XXVI(1). The November 30 authorization was thus purely internal Committee business—not a “reported matter or measure”—and accordingly was not subject to Rule XXVI’s cleansing clause. Thus, whereas the prior examples cited in the Committee’s press release were cured by Rule XXVI(7)(a)(3), the procedural defect in the subpoena authorization caused by the Committee’s violation of Rule IV on November 30 cannot be so cured, and renders the alleged authorization invalid.

As to the violation of the Committee’s quorum rules, the Committee claims that a previous vote to authorize a subpoena concerning online content moderation, which occurred with no Democratic members present, is precedent for the November 30 vote. *See* Senate Judiciary Committee, Supreme Court Ethics Reforms, available at <https://www.judiciary.senate.gov/supreme-court-ethics-reform>. But again, the Committee’s position is incorrect. If Chairman Durbin were to issue a subpoena, and the Committee were to seek to enforce it, a court would render its own judgment on whether the subpoena had been authorized in violation of Rule III. *See Yellin v. United States*, 374 U.S. 109, 114 (1963) (“It has been long settled, of course, that rules of Congress and its committees are judicially cognizable”). If that were to occur, past Committee practice could not override the clear text of Rule III, and the subpoena would be deemed unenforceable. *See United States v. Schock*, 891 F.3d 334, 337 (7th Cir. 2018) (“the rules of Congress are ‘judicially cognizable’, which implies a power to interpret and apply them”); *United States v. Rostenkowski*, 59 F.3d 1291, 1306 (D.C. Cir.), opinion supplemented on denial of reh’g, 68 F.3d 489 (D.C. Cir. 1995) (“If a particular [Senate] Rule is sufficiently clear that we can be confident of our interpretation,” the court will adhere to the text of the rule).

In short, three egregious rule violations occurred during the November 30 meeting. The Committee may attempt to deny, obscure, and equivocate over the serial violations, but it cannot change basic arithmetic: the vote to authorize the subpoenas came two minutes late, with the Committee two members short of a quorum, and without the affirmative vote of at least one minority member needed to cut off debate. The subpoena authorization is thus procedurally defective, as would be any subpoena issued pursuant to the authorization.

Most importantly, a court would, because of these procedural defects, unquestionably refuse to enforce any subpoena the Committee may issue. That is especially true where, as here, the Committee’s investigation “implicates [the] constitutional rights” of its targets. *Metzenbaum*

*v. FERC*, 675 F.2d 1282, 1287 (D.C. Cir. 1982) (quoting *Christoffel v. United States*, 338 U.S. 84, 88 (1949)). As we have stressed to the Committee many times, statements made by Committee members, as well as the manner in which the Committee’s investigation has been conducted, clearly target Mr. Leo’s exercise of his First Amendment rights. A court would not hesitate to step in and refuse to enforce a subpoena that is the product of such a broken and lawless process. *See Liveright v. United States*, 347 F.2d 473, 474 (D.C. Cir. 1965) (subpoena issued through incorrect committee process was invalid).

**The Manner In Which The Subpoena Authorization Was Secured Underscores The Retaliatory Nature of the Committee’s Investigation**

As detailed above, the Committee’s conduct throughout this investigation has made it clear beyond any doubt that the Committee is targeting Mr. Leo out of retaliatory animosity toward his exercise of his First Amendment rights. To that extensive body of evidence of retaliatory intent, the November 30 meeting adds still more.

As noted, the process by which the November 30 meeting was conducted and the supposed subpoena authorization was obtained was highly irregular. Rule after rule was violated and ignored. The Committee’s cavalier behavior and its willingness to disregard the rules and act outside of the ordinary course confirms that the November 30 proceeding was animated by improper motives. *Cf. Singleton v. Kernan*, 851 F. App’x 737, 739 (9th Cir. 2021) (“irregularities” in government procedures may suggest retaliatory motive); *Sublett v. Sheets*, 2017 WL 2385351, at \*8 (W.D. Ky. June 1, 2017) (“[R]etaliatory motive” may be inferred from government action that is “out of the ordinary”).

The fact that the raucous and embarrassing spectacle that occurred in Committee on November 30 was full of sound and fury, signifying nothing, is equally telling. The subpoenas that the Committee authorized would, if ever issued, be dead letters from the moment they were signed. Both civil and criminal subpoena enforcement routes run through the Senate floor, where they would have to pass through the filibuster. *See* 2 U.S.C. § 288b(b) (civil subpoena enforcement statute); 104 Cong. Rec. 37701 (1995) (wherein Senator Dole notes that civil enforcement resolutions are subject to unlimited debate); 82 Cong. Rec. 499–506 (Jan. 22, 1951) (extended debate on Senate floor over multiple criminal contempt resolutions). And because of the extreme partisan acrimony on display at the November 30 meeting, and that has characterized this investigation from the start, no attempt to invoke cloture on an enforcement resolution could possibly succeed.

Thus, the November 30 meeting and any subpoenas issued as a result will accomplish nothing practical as far as the Committee’s purported investigation is concerned, which raises the question why the Committee decided to embroil itself in such a bruising process. The answer would seem to be that the highly public and contentious subpoena fight on November 30 was meant to create another opportunity to embarrass and “punish” Mr. Leo. *Watkins v. United States*, 354 U.S. 178, 200 (1957). In other words, because the main and likely only consequence of the

November 30 meeting was to keep Mr. Leo and the Committee's manufactured ethics controversy in the headlines, it is reasonable to conclude that was also the meeting's purpose.

That inference is bolstered by Senator Whitehouse's statements immediately following the November 30 meeting. Hours after the meeting adjourned, Senator Whitehouse issued a press release in which he maligned Mr. Leo as a "court fixer." Senator Sheldon Whitehouse, Press Release: Whitehouse Votes to Authorize Issuing Subpoenas to Harlan Crow and Leonard Leo as Part of Supreme Court Ethics Probe (Nov. 30, 2023). Three days later, Senator Whitehouse tweeted out a diagram that he referred to as his "Leo Bug" (presumably because the diagram resembled a ladybug) and that he implied showed improper connections between Mr. Leo and various political advocacy organizations. Twitter, @SenWhitehouse (Dec. 3, 2023). That tweet was another example of Senator Whitehouse's disturbing tendency to refer to Mr. Leo in sub-human terms, such as when he called Mr. Leo a "little spider that you find at the center of the dark money web" in a speech on the Senate floor. Senator Sheldon Whitehouse, Remarks on the Floor of the United State Senate (Sept. 13, 2022).

Like the many prior statements that Senator Whitehouse has made attacking Mr. Leo in highly partisan language, these latest remarks—made close in time to the November 30 meeting and clearly aiming to take advantage of publicity generated by the meeting—further support the conclusion that retaliatory animus motivates the Committee's investigation. *See Lyberger v. Snider*, 42 F.4th 807, 813 (7th Cir. 2022) (explaining that statements from officials who took adverse action can demonstrate retaliatory motive).

### **The Committee's Investigation Is Harming the Committee and Its Capacity to Function Effectively**

The Senate was designed to serve as a stabilizing influence on our government and a barrier to demagogic, partisan abuses of congressional power. "The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions." The Federalist No. 62, p. 465 (C. Rossiter ed. 1961). It therefore comes as no surprise that, to advance this partisan and retaliatory investigation, the Committee had to cast aside many important procedural rules and norms that govern the manner in which the Senate conducts its business. In the process, it debased the institution of the Senate. Senator Robert Taft's description of Joe McCarthy's abuse of Senate power to pursue a witch hunt against political opponents is fully applicable to the November 30 meeting and the Committee's investigation: "a perfectly reckless performance." 1 Robert C. Byrd, *The Senate, 1789–1989: Addresses on the History of the United States Senate* 571 (1991).

By abusing Committee power and breaking Committee rules, the Committee Majority is not only undermining the integrity of the Committee as an institution, but also doing a significant disservice to the Nation. The Senate Judiciary Committee plays a vital role in our government. The November 30 meeting and the Committee's ongoing pursuit of this illegitimate and partisan

investigation severely compromise the Committee's ability to fulfill that role. As Ranking Member Graham stated at the November 30 meeting, while the "Committee has functioned fairly well," the subpoena authorization debacle "is going to fundamentally change how the committee operates" and "ruin the committee over a political exercise that's going nowhere." Senate Judiciary Committee, Executive Business Meeting (Nov. 30, 2023), available at <https://www.judiciary.senate.gov/committee-activity/hearings/11/30/2023/executive-business-meeting>. The pursuit of the investigation is "driving the Committee into a ditch," he added. *Id.* Senator Cornyn echoed the sentiment, noting that the violations of Rule IV that occurred on November 30 "destroyed one of the most important committees in the United States Senate." *Id.*

The spectacle of the November 30 meeting is just the latest and most visible manifestation of how the Committee's investigation is inflaming partisan tensions and making it more difficult for the Committee to do real work on behalf of the American people. The undermining of the Committee in pursuit of a myopic political vendetta against Mr. Leo should be troubling to members on both sides of the aisle, and it must stop.

Sincerely,

David B. Rivkin, Jr.  
Partner

A handwritten signature in blue ink, appearing to read "David B. Rivkin, Jr.", written in a cursive style.

Attachment



January 23, 2024

To whom it may concern:

At its November 30, 2023 meeting, the Senate Judiciary Committee voted to authorize subpoenas to compel witness testimony from Mr. Leonard Leo and Mr. Harlan Crow. I have been asked to render my opinion respecting the application of Senate and Committee rules to that proceeding. As elaborated below, I conclude that the Committee's actions that day violated the Committee's own rules and the Standing Rules of the Senate in three independent ways, that the vote to authorize the subpoenas was therefore invalid, and that the subpoenas are unenforceable.

Attached to this letter is a copy of my *curriculum vitae*. As relevant here, I have served as an advisor on Senate rules and procedures to two former Senate Majority Leaders, served as Minority Staff Director and Counsel to the Senate Committee on Rules and Administration, and am the author of *Senate Procedure and Practice*, now in its fourth edition.

**I. The Subpoenas Are Invalid Because They Have Not Been Authorized Pursuant to Committee and Senate Rules**

**A. The Committee Lacked a Quorum To Do Business**

The Senate Judiciary Committee's rules set forth a quorum requirement for transacting Committee business, including votes. Specifically, Committee Rule III, paragraph 1, provides: "Seven Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Nine Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken." This means that, to transact business, the Committee must have a quorum of at least nine members, at least two of whom must be Republican members.

As discussed further below, the Committee's November 30 meeting culminated with a vote on authorizing the subpoenas in question. At the time of that vote, no Republican members of the Committee were present. Because the Committee lacked a quorum at the time of the vote, it was not competent to transact business, and its purported authorization of the subpoenas is therefore invalid.

**B. The Vote To Authorize the Subpoenas Was Invalid Under Committee Rules**

Because the subpoenas did not have the support of the Committee’s Ranking Member, a vote was required to authorize them.<sup>1</sup> The Committee’s rules prescribe the procedure for ending debate on a matter, which is necessary before the matter may be brought to a vote. Committee Rule IV provides: “The Chair shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring a matter before the Committee to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with eleven votes in the affirmative, one of which must be cast by the minority.” This means that a motion to end debate and bring a matter to a vote must have the vote of at least one Republican member.

That did not happen in this instance. Shortly before noon on November 30, Chairman Richard Durbin advised the Committee that Judiciary Republicans would invoke the Senate’s “two-hour rule,” which is addressed below. In an apparent attempt to accelerate proceedings, the Chairman unilaterally ended debate. He stated: “We will therefore proceed with a vote on the Chair’s November 2, 2023, motion to authorize subpoenas relating to the Committee’s Supreme Court ethics investigation. The Clerk will call the roll.” At that point, Ranking Member Lindsey Graham invoked his right under Committee Rule IV to demand a roll call on a motion to end debate: “I have a right under Rule IV to have a roll call vote to end debate. That’s in the Rule. I’m invoking that now.” In response to Senator Graham, Chairman Durbin interrupted the roll call and moved instead to suspend Rule IV. But during the call on that motion, and in response to a query from Senator Graham, the Chairman clarified that the vote was actually one to end debate. When the motion carried – with no minority votes – Chairman Durbin treated it as a motion to end debate rather than a motion to suspend the rules. Demonstrating as much, a vote followed immediately on authorizing the subpoenas.

What the Committee’s rules required in this instance was two votes: one on a motion to suspend the minority voting guarantees of Rule IV and then a second to end debate. The Chairman, however, proceeded directly to the second, without ever obtaining the necessary Committee vote to suspend the operation of Rule IV. Because Rule IV remained in force at the time of the motion to end debate and bring the subpoenas to a vote, that motion required the vote of at least one Republican member to carry. As noted, it had none. For that reason, the subsequent vote to authorize the subpoenas was invalid.

### **C. The Vote To Authorize the Subpoenas Was Invalid Because It Was Conducted in Violation of the Senate’s Two-Hour Rule**

The Committee’s vote is also invalid because it violated the Standing Rules of the Senate—specifically, the “two-hour rule.” Rule XXVI, paragraph 5(a) of the Standing Rules of the Senate prohibits most Senate committees from meeting under certain conditions, unless leave has been granted for them to do so by the Majority and Minority Leaders. Colloquially, this is known as the “the two-hour rule.” The Rule provides:

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<sup>1</sup> Authorization of a subpoena requires either “the agreement of the Ranking Member” or “a vote of the Committee.” Senate Judiciary Committee Rule IX.

Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

This Rule has existed in its present form since it was adopted as § 402 of Senate Resolution 4 on February 4, 1977. It amended a Standing Rule that had existed since 1946, after President Harry S Truman signed the Legislative Reorganization Act (PL 79-601) into law. The Senate incorporated the 1946 policy into Standing Rule XXV. The rule did not allow committees to meet when the Senate was in session, in the absence of unanimous consent.<sup>2</sup>

In practice, the 1946 rule proved to be too restrictive, leading to adjustments in 1964 and 1970 that granted more flexibility. The 1977 amendment allowed committees to meet only during the first two hours of Senate session (but not after 2:00 PM) unless the two party leaders give consent for them to exceed that two-hour limit. Reference in the rule to cloture motions simply means that a Senator holding the Floor may be interrupted for an announcement about waiving the two-hour rule without losing the Floor. On November 14, 1979, the Senate passed S. Res. 274, which recodified the Standing Rules without substantive change and moved the two-hour rule from Rule XXV into its present placement in Rule XXVI.

As the Congressional Research Service explains, the rule in its present form, “is intended to help balance the Senate's committee and floor work and to minimize the logistical conflicts that Senators face between participating in committee hearings and markups and attending to their duties on the chamber floor. The two-hour rule applies to all committee meetings, including hearings and markups.”<sup>3</sup>

For many years, it was common practice to seek permission to waive the two-hour rule by securing unanimous consent to do so, which meant that any Senator could require enforcement by objecting. However, that approach has given way to another that actually comports with the terms of the rule. If both Leaders consent to waiving the restriction, the Majority Leader or his designee will so announce it on the Floor.

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<sup>2</sup> “No Standing Committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or House, as the case may be, is in session.” PL 79-601, §134 (c).

<sup>3</sup> Christopher M. Davis and Michael Greene, “The Senate ‘Two-Hour Rule’ Governing Committee Meeting Times,” Congressional Research Service, April 20, 2018, Report Number R45170.

This was the procedure followed on November 30, 2023, when Senator Tim Kaine of Virginia, acting in lieu of Majority Leader Charles Schumer of New York, announced:

Madam President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders. Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, November 30, 2023, at 10 A.M., to conduct a hearing.

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, November 30, 2023, at 10 A.M., to conduct a hearing on nominations.

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 30, 2023, at 10 A.M., to conduct a hearing on nominations.

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, November 30, 2023, at 10:15 A.M., to conduct a hearing.”<sup>4</sup>

The careful reader will observe that the Judiciary Committee was not among those that requested and obtained waiver of the two-hour rule's restriction on committee business. And the Judicial Committee is not one of the committees to which the two-hour rule does not apply.

The Judiciary Committee's November 30, 2023 vote purporting to authorize the subpoenas violated the two-hour rule. On that day, the Senate convened at 10:00 AM.<sup>5</sup> It adjourned at 3:08 P.M.<sup>6</sup> Accordingly, pursuant to Rule XXVI, paragraph 5(a), the Senate Judiciary Committee was not permitted to conduct any business after 12:00 noon. Yet the Committee vote to authorize the subpoenas took place at approximately 12:02 pm, a time at which the Committee lacked any power to act under Senate rules.

Accordingly, that vote, and the authorization it purported to convey, are invalid. As stated in *Riddick's Senate Procedure*, the reference on Senate precedent, “any action taken by a committee during a meeting proscribed by [the two-hour] rule is null, void, and of no effect.”<sup>7</sup>

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<sup>4</sup> November 30, 2023, 118-1, *Record*, p. S5696.

<sup>5</sup> *Id.* at S5681.

<sup>6</sup> *Id.* at S5697.

<sup>7</sup> See Alan S. Frumin, ed., *Riddick's Senate Procedure* 406 (USGPO 1992), citing the precedent of December 6, 1982, in which legislation reported by the Foreign Relations Committee in contravention of the two-hour rule was subject to a point of order under Rule XXVI. The Presiding Officer sustained the point of order and announced that the measure in question was back before the committee, negating the committee's action in reporting it. See December 6,

## II. The Committee's Rules Violations Render the Subpoenas Invalid and Unenforceable

It stands to reason that an action taken in the absence of authority to act is invalid. That is the case here respecting the Judiciary Committee's purported authorization of the subpoenas for Mr. Leo and Mr. Crow. They are invalid thrice over: the Committee lacked the quorum required to transact business, lacked authority to proceed to the vote on authorization, and lacked authority to act at all by the time that vote occurred.

Common sense would dictate that an invalid legislative action is a nullity and unenforceable, and judicial precedent on the enforcement of congressional subpoenas accords with common sense. The Supreme Court has made clear that "a specific, properly authorized subject of inquiry is an essential element of the offense under § 192." *Gojack v. United States*, 384 U.S. 702, 708 (1966) (emphasis added). Thus, in *Gojack*, the Supreme Court reversed the conviction of contempt of Congress under Section 192 because the committee subpoena in question was not properly authorized under the committee's rules, which required approval of "major investigations" by "a majority of the Committee." *Id.* at 706. There was, however, "no resolution, minute or record of the Committee authorizing the inquiry" in the context of labor organizations, which was the focus of the subpoena in question. *Id.* "Since the present inquiry is concededly part of a 'major investigation' and the Committee did not authorize it as required by its own Rule 1, this prosecution must fail. There is no basis for invoking criminal sanctions to punish a witness for refusal to cooperate in an inquiry which was never properly authorized." *Id.* at 708-09.

In *Yellin v. United States*, 374 U.S. 109 (1963), the Supreme Court likewise reversed a Section 192 conviction for contempt of Congress based on a committee's failure to follow its own rules. Specifically, the committee failed to abide by its own rule, Rule IV, which required a majority of the Committee to consider certain factors when faced with a request by a witness for testimony in Executive Session rather than a public hearing. *Id.* at 114-15. The Staff Director's unilateral rejection of the witness's request for Executive Session was fatal, even though the Committee could have rejected the witness's request by following the proper procedures. *Id.* at 121. The witness was "at least entitled to have the Committee follow its rules and give him consideration according to the standards it adopted in Rule IV." *Id.* "[T]he rights created by the Committee's rules cannot be [] illusory" and witnesses have a "reasonable expectation . . . that the Committee . . . adhere to its own rules." *Id.* at 123. *Accord Shelton v. United States*, 327 F.2d 601, 607 (D.C. Cir. 1963) (reversing contempt of Congress due to committee's noncompliance with its own rules); *Liveright v. United States*, 347 F.2d 473, 474-75 (D.C. Cir. 1965) (reversing

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1982, 97-2, *Record*, p. 28801. *See also* the precedent of August 3, 1987, when the Presiding Officer sustained a point of order against a nomination that was reported by the Committee on Finance, which was not authorized to meet. The nomination was returned to the committee. August 3, 1987, 100-1, *Record*, p. S11112. A similar instance occurred later that year when the Presiding Officer sustained a point of order against a nomination reported from the Committee on Foreign Relations, which was not authorized to meet. October 28, 1987, 100-1, *Record*, p. S15337.

contempt of Congress due to committee's violation of Senate Resolution requiring issuance of subpoenas by committee itself, not chairman alone).

Here, the Judiciary Committee's purported authorization of the subpoenas plainly violated both Committee and Senate rules. Judicial precedent therefore dictates that the subpoenas, having never been validly authorized, are unenforceable.

### **III. Conclusion**

Congress exercises the Legislative Power according to the strictures of the Constitution and those of its own rules of procedure. *See* U.S. Const. Art. I, §§ 1, 5 cl. 2. Those rules specify the requirements necessary for the exercise of power, such as the authorization of a legislative subpoena. Absent satisfaction of the rules' requirements, a given vote or other business does not exercise congressional power. It is, in legal terms, a nullity and no different than a decision reached by a group of Members informally gathered in a hallway. To give effect to such a decision, they must proceed as the rules prescribe.

That did not happen here. For three independent reasons, the Senate Judiciary Committee's purported authorization of subpoenas to compel witness testimony from Mr. Leonard Leo and Mr. Harlan Crow is invalid under the Committee's own rules and the Standing Rules of the Senate. The subpoenas, accordingly, are not a valid exercise of congressional power and are, as a result, unenforceable.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Gold', with a stylized, cursive script.

Martin B. Gold

*Partner, Capitol Counsel, LLC*

---

Martin B. Gold is a partner with Capitol Counsel, LLC. In service to our clients, he brings over 40 years of legislative and private practice experience. He is a recognized authority and author on matters of congressional rules and parliamentary strategies, and U.S. policy in Asia. He frequently advises senators and their staff and serves on the adjunct faculty at George Washington University. Before domestic business, professional, and academic audiences, he speaks about Congress as well as political and public policy developments. Gold has been a guest lecturer at Tsinghua University, the Beijing Foreign Studies University, the Beijing International Studies University, Moscow State University, the Moscow State Institute of International Relations, the State Parliament of Ukraine, and the Federation Council of the Federal Assembly of the Russian Federation.

## EDUCATION



Washington College of Law at American University – J.D.

American University – M.P.A.

American University – B.A.

Defense Language Institute Foreign Language Center (Spanish)

## POSITIONS HELD



Covington & Burling LLP, Washington, D.C. – Chair, Government Affairs Practice

Office of Senate Majority Leader Bill Frist (R-TN), Washington, D.C. – Floor Adviser and Counsel

The Legislative Strategies Group, Washington, D.C. – Co-founder

Johnson, Smith, Dover, Kitzmiller & Stewart, Inc., Washington, D.C. – Counsel

Gold and Liebengood, Washington, D.C. – President and Co-founder



Office of Senate Majority Leader Howard H. Baker, Jr. (R-TN), Washington, D.C. – Counsel

Senate Committee on Rules and Administration, Washington, D.C. – Republican Staff Director and Counsel

Senate Select Committee on Intelligence, Washington, D.C. – Professional Staff Member

Office of Senator Mark O. Hatfield (R-OR), Washington, D.C. – Legal Assistant

## **MEMBERSHIPS / RECOGNITION**



National Committee on US-China Relations – Member

Council on Foreign Relations – Member

Cosmos Club in Washington, D.C. – Member since 2000 in recognition for excellence in the field of political science.

Friends of the Law Library, Library of Congress, Washington, D.C. – Board Member

United States Commission for the Preservation of America's Heritage Abroad – Appointed in 2006 by President George W. Bush. On the commission, Gold commemorated the work of Dr. Ho Feng Shan, a Chinese diplomat who, while serving as a consular officer in Austria, issued visas to Shanghai to save several thousand Jews from Nazi persecution. In 2008, the Senate adopted a resolution honoring Dr. Ho's selfless heroism.

In 2011-2012 while co-chair of Covington & Burling's government affairs practice, Gold was instrumental in securing adoption of congressional resolutions expressing regret for the Chinese exclusion laws. For this project, he received Covington's James C. McKay pro bono award and the Champion of Justice Award by the Chinese American Citizens Alliance.



*The Twenty-second Amendment and the Limits of Presidential Tenure: A Tradition Restored*, November 2019. Lexington Books.

*Senate Procedure and Practice*, 2018 (Fourth Edition). A widely consulted primer on Senate floor procedure, now in its fourth edition.

*A Legislative History of the Taiwan Relations Act: Bridging the Strait*, 2017. Presented by podcast at the Richard Nixon Library and Museum

*Forbidden Citizens: Chinese Exclusion and the U.S. Congress: A Legislative History*, 2012. Awarded the Benjamin Franklin Gold Medal by the Independent Book Publishers of America and was named an Honor Book by the Asian and Pacific American Librarians Association.

*The Grand Institution: A Profile of the United States Senate*, 2011; published in China.

*The Constitutional Option To Change Senate Rules And Procedures: A Majoritarian Means to Overcome The Filibuster*, 2004 (with Dimple Gupta). Published in The Harvard Journal of Law and Public Policy.

# Key Document G

# UNITED STATES OF AMERICA

## Congress of the United States

---

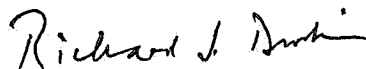
To Mr. Leonard Leo, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to produce all documents and records responsive to requests made by the Senate Committee on the Judiciary in letters addressed to you dated July 11, 2023 and October 5, 2023 by 5 p.m. on April 25, 2024.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To any Committee staff member or U.S. Marshal to serve and return.

Given under my hand, by authority vested in me by the  
Committee, on this 11 day of April, 2024.



Senator Richard J. Durbin  
Chair, Committee on the Judiciary  
United States Senate

# Key Document H

# BakerHostetler

Baker & Hostetler LLP

Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5403

T 202.861.1500  
F 202.861.1783  
www.bakerlaw.com

David B. Rivkin, Jr.  
direct dial: 202.861.1731  
drivkin@bakerlaw.com

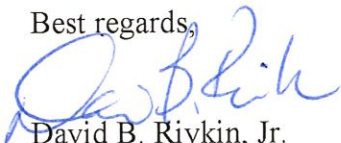
April 11, 2024

Senator Richard J. Durbin, Chair  
Committee on the Judiciary  
United States Senate

Dear Senator Durbin,

For the reasons previously set forth, Mr. Leo is not complying with the Democrat Senate Judiciary Committee members' unlawful and politically motivated subpoena.

Best regards,



David B. Rivkin, Jr.  
Attorney for Leonard A. Leo

cc: Lindsey Graham, Ranking Member

# Appendix H

# Key Document A

September 14, 2023

Paul Anthony Novelly  
Chairman  
FutureFuel Corp.  
8235 Forsyth Blvd., 4th Fl.  
Clayton, MO 63105

Dear Mr. Novelly:

Recent investigative reporting identified instances in which you have provided Justice Clarence Thomas with various gifts of lodging and travel on your private jet and yacht. Justice Thomas did not report these gifts on his annual financial disclosure forms, in apparent contravention of the Supreme Court's April 25, 2023, "Statement on Ethics Principles and Practices," which asserts that Justices since 1991 "have followed" the financial disclosure requirements provided in relevant Judicial Conference regulations, and other applicable obligations.

The Judicial Conference is a body established by Congress, which maintains an ongoing interest in the Conference's proper functioning and execution of statutory requirements enacted by Congress. Moreover, the Senate continues to consider legislative options to strengthen the ethical rules and standards that apply to the Justices of the Supreme Court. The information we request below will help identify specific shortcomings in the "Statement on Ethics Principles and Practices," as well as current law, that legislation needs to address. For these reasons, please provide the following information as soon as possible, but no later than September 27, 2023:

1. An itemized list of all gifts, payments, and items of value exceeding \$415 given by you, or by entities you own or control or for which you have served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the approximate dollar amount of each item, and the date it was extended.
2. An itemized list of all transportation or lodging provided by you, or any entity you own or control or for which you have served as a partner, director, or officer, to a Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date the transportation or lodging was provided, the mode of transportation provided, the itinerary traveled, any lodging provided, and the approximate dollar value of the transportation or lodging.
3. An itemized list of any instance in which you have lodged or traveled with any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date of the lodging or transportation, the mode of transportation provided, the itinerary traveled, the approximate dollar value of the transportation or lodging, an account of how you came to accompany the Justice or the member of their family, any



role you played in inviting the Justice or other attendees, and the names of other attendees.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheldon Whitehouse", written over a horizontal line.

Sheldon Whitehouse  
United States Senator  
Chairman, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights

A handwritten signature in blue ink, appearing to read "Dick Durbin", written over a horizontal line.

Richard J. Durbin  
United States Senator

- cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary
- cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Key Document B

Dennis J. Block  
Tel 212.801.2222  
Fax 212.805.5555  
blockd@gtlaw.com

**VIA EMAIL**

September 21, 2023

The Honorable Dick Durbin, Chair  
The Honorable Sheldon Whitehouse  
United States Senate  
Committee on the Judiciary  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: Response to September 14, 2023 Letter to Paul Anthony Novelly

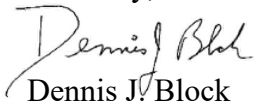
Dear Senator Durbin and Senator Whitehouse:

We write on behalf of Mr. Novelly in response to your letter of September 14, 2023 requesting information regarding “gifts” purportedly given, or things of value provided by Mr. Novelly to “any Justice of the Supreme Court or member of the Justice’s family.” The request sought a response no later than September 27, 2023. Without conceding here that Mr. Novelly actually provided any such items to any such person or that the Committee has the authority to seek the information sought, we are endeavoring to determine if there is any such information available and we will require additional time to research this matter. In that regard, we respectfully request that our response not be required prior to October 31, 2023.

We hope this timeframe will be acceptable to the Committee. We would also respectfully request you provide us with the identity of a Committee representative we can reach out to if we have any questions or need further information regarding your request.

Please feel free to have your Staff contact me with any questions regarding this response.

Sincerely,



Dennis J. Block

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights

# Key Document C

Dennis J. Block  
Tel 212.801.2222  
Fax 212.805.5555  
blockd@gtlaw.com

October 31, 2023

**VIA EMAIL**

The Honorable Richard Durbin  
Chairman  
Committee on the Judiciary  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Sheldon Whitehouse  
Chairman  
Subcommittee on Federal Courts,  
Oversight, Agency Action, and Federal Rights  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: Response to September 14, 2023 Letter to Paul Anthony Novelly

Dear Senators Durbin and Whitehouse:

We write on behalf of our client Paul Anthony Novelly in response to your letters dated September 14, 2023 requesting information regarding “gifts, payments or items of value exceeding \$415” provided by Mr. Novelly or his affiliated Companies to “any Justice of the Supreme Court or member of the Justice’s family.” Your letter sought a response no later than September 27, 2023. Your Committee staff members subsequently granted an extension until October 31, 2023.

To begin with, we are aware of no evidence that Mr. Novelly or his affiliated Companies, gave anything to anyone as specifically defined in your letter or engaged in any transactions with those identified in your letter that were unusual, inappropriate, improper or contrary to law. In particular, any claims made by what your letter characterized as “investigative reporting” sources regarding the presence of Justice Clarence Thomas on a yacht owned by Mr. Novelly travelling in the Bahamas are false. Mr. Novelly is not aware of any basis whatsoever to support any suggestion or claim of yacht trips or vacations provided by him to Justice Thomas.

Furthermore, and with due respect, we do not concede that the Committee has the authority, constitutional or otherwise, to seek the information sought in its September 14<sup>th</sup> letters or to compel production or compliance by Mr. Novelly. We explicitly reserve any and all rights Mr. Novelly may have to object to such requests.

Nevertheless, in the interest of cooperation and to minimize the further expenditure of time and money, below is a description of the two instances where we are informed that Mr. Novelty provided something of “value” to Justice Thomas as defined by and requested in your letter that Mr. Novelty’s staff was able to locate.

1. August 22, 2016—a one-way return flight from Jackson Hole, Wyoming to Washington, D.C. by Justice Thomas, his wife and Senator Joseph Manchin and his wife, who were dropped off in Charleston, West Virginia after attending a social function attended by a number of members of the Horatio Alger Association<sup>1</sup> among others, including Terrence Giroux, the Executive Director of the Horatio Alger Association, who was also a passenger on the flight from Jackson Hole, Wyoming to Washington, D.C.;
2. March 30, 2018—a one-way flight, by Justice Thomas and his security detail from Ft. Lauderdale, Florida to Washington D.C. The Justice and Mr. Novelty were attending the funeral services for a mutual friend and Horatio Alger Association member.

These airplane trips are the sole instances of which Mr. Novelty and his staff are aware that may be responsive to your requests.

We trust that Mr. Novelty’s voluntary cooperation and provision of this information will end any further inquiry of Mr. Novelty.

Respectfully submitted,



Dennis J. Block

On behalf of Paul Anthony Novelty

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Actions and Federal Rights

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<sup>1</sup> The Horatio Alger Association of Distinguished Americans is “an educational, non-profit organization, that honors outstanding individuals who personify the American Dream.” “Thanks to their generosity, the Association provides need-based scholarships and services to promising young people who are persevering through adversity.” <https://www.horatioalger.org/who-we-are/> Mr. Novelty initially met Justice Thomas through the Horatio Alger Association.

# Appendix I

# Key Document A



DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA  
PETER WELCH, VERMONT

LINDSEY O. GRAHAM, SOUTH CAROLINA  
CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
JOSH HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 14, 2023

David Sokol  
Chairman  
Chief Executive Officer  
Teton Capital, LLC  
P.O. Box 309  
Cedar Grove, NJ 07009

Dear Mr. Sokol:

Recent investigative reporting identified instances in which you have provided Justice Clarence Thomas with various gifts of lodging, travel, and “all-access passes” to several sporting events. In a statement responding to this reporting, you acknowledged that over the past 21 years you and Justice Thomas have “occasionally traveled together to [your] homes” and stated your belief that all Supreme Court justices “should either fly privately or on governmental aircraft.” Justice Thomas did not report these gifts on his annual financial disclosure forms, in apparent contravention of the Supreme Court’s April 25, 2023, “Statement on Ethics Principles and Practices,” which asserts that Justices since 1991 “have followed” the financial disclosure requirements provided in relevant Judicial Conference regulations, and other applicable obligations.

The Judicial Conference is a body established by Congress, which maintains an ongoing interest in the Conference’s proper functioning and execution of statutory requirements enacted by Congress. Moreover, the Senate continues to consider legislative options to strengthen the ethical rules and standards that apply to the Justices of the Supreme Court. The information we request below will help identify specific shortcomings in the “Statement on Ethics Principles and Practices,” as well as current law, that legislation needs to address. For these reasons, please provide the following information as soon as possible, but no later than September 27, 2023:

1. An itemized list of all gifts, payments, and items of value exceeding \$415 given by you, or by entities you own or control or for which you have served as a partner, director, or officer, to any Justice of the Supreme Court or a member of the Justice’s family, including the name of the Justice, the approximate dollar amount of each item, and the date it was extended.
2. An itemized list of all transportation or lodging provided by you, or any entity you own or control or for which you have served as a partner, director, or officer, to a Justice of the Supreme Court or a member of the Justice’s family, including the name of the Justice, the date the transportation or lodging was provided, the mode of transportation provided, the itinerary traveled, any lodging provided, and the approximate dollar value of the transportation or lodging.

3. An itemized list of any instance in which you have lodged or traveled with any Justice of the Supreme Court or a member of the Justice's family, including the name of the Justice, the date of the lodging or transportation, the mode of transportation provided, the itinerary traveled, the approximate dollar value of the transportation or lodging, an account of how you came to accompany the Justice or the member of their family, any role you played in inviting the Justice or other attendees, and the names of other attendees.

Sincerely,



Sheldon Whitehouse  
United States Senator  
Chairman, Subcommittee on  
Federal Courts, Oversight,  
Agency Action, and Federal  
Rights



Richard J. Durbin  
United States Senator

- cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Committee on the Judiciary
- cc: The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight, Agency Action, and  
Federal Rights

# Key Document B

September 27, 2023

**VIA ELECTRONIC MAIL**

The Honorable Richard Durbin  
Chairman, Senate Judiciary Committee  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Sheldon Whitehouse  
Chairman, Subcommittee on Federal Courts,  
Oversight, Agency Action, and Federal Rights  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

RE: Response to September 14, 2023 Letter to David Sokol

Dear Chairman Durbin and Senator Whitehouse:

We represent David Sokol in relation to your September 14, 2023 letter. We understand your inquiry stems from the Senate Judiciary Committee's interest in pursuing legislation designed to "strengthen . . . the rules and standards that apply to the Justices of the Supreme Court." We write to express our concerns about this effort because it appears to be rooted in an unconstitutional initiative—regulating the internal affairs of the United States Supreme Court.

Mr. Sokol's friendship with Justice Clarence Thomas spans over two decades, and like any other purely personal relationship, it was forged through common interests and natural connection. By way of example, Mr. Sokol and Justice Thomas have dedicated considerable energy to the educational advancement of youth who have experienced severe adversity. That background matters, of course, because the Committee's requests do not ask about a business relationship between Mr. Sokol and Justice Thomas—there is none—but rather for a chronicle of a personal friendship. After thoughtful consideration, we have concluded that the Committee lacks the authority to investigate this personal relationship, particularly because it appears to be an attempt to circumvent well-established divisions rooted in separation of powers jurisprudence.

The purpose of the Committee's investigation is laid bare in its request to Mr. Sokol: crafting legislation to remedy what it views as "shortcomings" of the "Statement of Ethics Principles and Practices" promulgated by the United States Supreme Court. Put differently, the Committee is looking to support legislation to impose its own views on the internal affairs of the Supreme Court. Congress has no such power, and even if it did, the creation of an ethics code designed to govern the Supreme Court—an unprecedented and constitutionally infirm pursuit—is well beyond the "limit which separates the legislative from the judicial power." *United States v. Klein*, 80 U.S. 128, 146 (1871). Any attempt by Congress to impose such rules or standards

September 27, 2023

Page 2

would violate the Constitution's separation of powers no less than if the Supreme Court tried to impose an ethics code on the Senate. Further, the Committee's request to probe the personal relationships of a sitting Supreme Court Justice through a private citizen invites yet more separation of powers problems and lacks a valid legislative purpose.

Because your inquiry both exceeds Congress's authority and conflicts with the separation of powers, we have no choice but to respectfully decline your request for information. We are pleased to explain our positions below.

**I. The Committee has no Power to Regulate the Internal Affairs of the Supreme Court, so its Investigation has no Valid Legislative Purpose.**

Congress's power to investigate tracks its power to legislate. *See Quinn v. United States*, 349 U.S. 155, 161 (1955). The power to investigate thus has inherent limitations. "It cannot be used to inquire into private affairs unrelated to a valid legislative purpose." *Id.* "Nor does it extend to an area in which Congress is forbidden to legislate." *Id.* The Committee's request targets both of those common sense restrictions. Indeed, according to the September 14 Letter, the Senate is "consider[ing] legislative options to strengthen the ethical rules and standards that *apply to the Justices of the Supreme Court.*" (emphasis added). *See also* Senator Richard Durbin and Senator Sheldon Whitehouse, Joint Statement: Whitehouse, Durbin Request Complete Account of Gifts to Supreme Court Justices from Newly Implicated Right-Wing Billionaires (September 15, 2023) ("If the Chief Justice isn't going to . . . implement a strong code of ethics . . . then it's up to us in Congress to act."). The Committee's stated purpose is not valid because Congress lacks the power to impose ethics rules or standards on the Supreme Court Justices.

To start, the Constitution contains no enumerated power granting Congress the authority to impose ethics rules or standards on the Supreme Court. *See Marbury v. Madison*, 5 U.S. 137, 176 (1803) ("The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written."). Thus, for Congress to impose an ethics code on the Supreme Court, the legislation must "be necessary and proper for carrying into Execution" Congress's powers or other powers vested by the Constitution. *See* U.S. Const., Art. I, § 8, cl. 18. We can discern no plausible connection between an enumerated power and imposing an ethics code on the Supreme Court. *Cf., e.g.,* U.S. Const. art. III, § 1 (granting Congress the power to create inferior courts); *id.* § 2, cl. 2 (granting Congress the power to make "Exceptions" to the Court's appellate jurisdiction). Indeed, as the Committee certainly knows, Justice Samuel Alito recently made this same point: "No provision in the Constitution gives [Congress] the authority to regulate the Supreme Court – period." David B. Rivkin, Jr. and James Taranto, *Samuel Alito, the Supreme Court's Plain-Spoken Defender*, Wall Street Journal (July 28, 2023).



September 27, 2023

Page 3

The fact that the Constitution does not grant Congress this power is unsurprising. If the separation of powers means anything, it must prohibit a distinct branch of government from regulating the internal affairs of another. The Constitution, not Congress, created the Supreme Court. U.S. Const. Art. III, § 1. It places the Court at the head of a coequal branch of the government. *See id.* It is a “basic principle of our constitutional scheme that one branch of the Government may not intrude upon the central prerogatives of another.” *Loving v. United States*, 517 U.S. 748, 757 (1996). The Court’s prerogative is to ultimately “say what the law is[.]” *Marbury*, 5 U.S. at 177. And it is meant to do so with an independence that allows the Justices to act “as the bulwarks of a limited Constitution against legislative encroachments[.]” The Federalist No. 78 (A. Hamilton). None of this particularly controversial.

By attempting to impose an ethics code on the Supreme Court—whether directly or through some other means—Congress seeks to invade the Court’s core function and purpose. As Chief Justice Roberts has explained, the Court’s independent management of its internal affairs “insulates [it] from inappropriate political influence and is crucial to preserving public trust in its work as a separate and coequal branch of government.” U.S. Supreme Court, 2021 Year-End Report on the Federal Judiciary 1 (Dec. 31, 2021). For that reason, it “is the Supreme Court and not the Congress that has the constitutional prerogative to decide whether to decide to adopt a formal code of conduct governing the individual Justices. . . . A law compelling the Court to adopt such a code, or purporting to impose one legislatively, would violate the separation of powers, and would also be unworkable . . .” Supreme Court Ethics Reform: Hearing before the U.S. Senate Judiciary Committee (May 2, 2023) (Statement of Hon. Michael B. Mukasey). The Committee, of course, is well aware of that sentiment.

And consider if the separation of powers did not insulate the Supreme Court from the Committee’s proposed intrusion: the Legislative Branch, or even the litigants before the Court, would be free to lever the threat of an “ethics” investigation to burden or harass the Court. That concern is particularly acute in our current political and social climate. More to the point, if the Judicial or Executive branch attempted to dictate ethical standards or rules to the Senate, little doubt exists that the Senate would fiercely resist, or simply ignore the directive—and for good reason. The Constitution’s separation of powers protects against precisely this coercion. *See Humphrey’s Ex’r v. United States*, 295 U.S. 602, 629 (1935) (“The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question.”).

In sum, while we respect that the Committee has the power to investigate as a means to legislate in those areas where Congress has legislative authority, Congress lacks the power to impose ethics rules or standards on the Supreme Court and thus has no right to launch an investigation for that purpose.

September 27, 2023

Page 4

## **II. The Investigation Into Justice Thomas's Personal Friendships has no Legitimate Legislative Purpose.**

Even if Congress were authorized to regulate the internal affairs of the Supreme Court, it has “no ‘general’ power to inquire into private affairs and compel disclosures,” and “there is no congressional power to expose for the sake of exposure.” *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2032 (2020) (cleaned up). When a Congressional investigation targets a sitting Justice, it raises the same heightened concerns about improper efforts to undermine the separation of powers as it would if Congress targeted the head of the Executive branch. *See id.* at 2034 (“Without limits on its subpoena powers, Congress could ‘exert an imperious control’ over the Executive Branch and aggrandize itself at the President’s expense, just as the Framers feared.”) (citing *The Federalist* No. 71 (A. Hamilton); *id.*, No. 48 (J. Madison); *Bowsher v. Synar*, 478 U.S. 714, 721–722, 727 (1986)). Because the Constitution “deals with substance, not shadows” *id.* at 2035 (quoting *Cummings v. Missouri*, 71 U.S. 277, 325 (1866)), the “separation of powers concerns are no less palpable” simply because requests about the Justice are “issued to third parties.” *See id.*

And indeed, the Committee’s requests are exceedingly broad, seeking among other things, a complete history of every instance in which Mr. Sokol “lodged or traveled” with Justice Thomas over the last two decades. The Committee ostensibly wants this information to draft ethics legislation, but prying into personal relationships with this level of detail suggests there may be some interest in “exposure for exposure’s sake,” or, worse yet, to influence the Court’s decisions or composition. Little could undermine the separation of powers more. And in undermining the Constitution’s separation of powers, it would undermine a key purpose behind that separation: “to be a defense against tyranny.” *Loving v. United States*, 517 U.S. 748, 756 (1996) (citing Montesquieu, *The Spirit of the Laws* 151–152 (T. Nugent transl. 1949); 1 W. Blackstone, *Commentaries* \*146–\*147, \*269–\*270). Indeed, actions that undermine the Supreme Court’s independence—which is “equally requisite to guard the constitution and the rights of individuals,” *The Federalist* No. 78 (A. Hamilton)—might be the most pernicious.

The Committee’s requests “do not represent a run-of-the-mill legislative effort” as they might in other circumstances. *Mazars*, 140 S. Ct. at 2034. They raise profound concerns about a lack of valid legislative purpose. For this reason, too, the Committee has no authority to pursue this investigation.

\* \* \*

September 27, 2023

Page 5

In conclusion, because your inquiry conflicts with the separation of powers and has no legitimate legislative purpose, we must respectfully decline your request for information.

Sincerely,

HONIGMAN LLP



Matthew Schneider

cc: The Honorable Lindsey O. Graham  
Ranking Member, Senate Judiciary Committee

The Honorable John N. Kennedy  
Ranking Member, Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights



# Appendix J

# Key Document A

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2008

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial)  Alito, Samuel A.	<b>2. Court or Organization</b>  United States Supreme Court	<b>3. Date of Report</b>  5/14/2009
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Active	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination, <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2008 to 12/31/2008
<b>7. Chambers or Office Address</b>  United States Supreme Court 1 First Street, NE Washington, DC 20544	<b>8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.</b>  Reviewing Officer _____ Date _____	
<b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Advisory Board Member	Association of the Federal Bar of New Jersey
2.	
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Alito, Samuel A.

Date of Report

5/14/2009

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 9/12/2008	Pepperdine University - Teaching	\$20,000.00
2.		
3.		
4.		

**B. Spouse's Non-Investment Income** - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** - *transportation, lodging, food, entertainment**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Duke Law School	February 6-7, 2008	Durham, North Carolina	Moot Court	Transportation, meals, lodging
2. Hofstra Law School	March 11-12, 2008	Hempstead, New York	Speaking Engagement	Transportation, meals, lodging
3. John Carroll University	April 9, 2008	Cleveland, Ohio	Speaking Engagement	Transportation and meals
4. The Lawyers Club of Chicago	May 1-2, 2008	Chicago, Illinois	Speaking Engagement	Transportation, meals, lodging
5. AIDA Reinsurance & Insurance Arbitration Society	May 7, 2008	Amelia Island, Florida	Speaking Engagement	Transportation and meals
6. Pepperdine University School of Law	July 26-August 8, 2008	Malibu, California	Teaching	Transportation, meals, lodging

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Alito, Samuel A.

Date of Report

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7. Ewing T. Kerr Inn of Court	August 8-August 13, 2008	Cheyenne, Wyoming	Speaking Engagement	Transportation, meals, lodging
8. Creighton University School of Law	September 19-20, 2008	Omaha, Nebraska	Speaking Engagement	Transportation, meals, lodging
9. American College of Trial Lawyers	September 25-27, 2009	Toronto, Canada	Conference	Transportation, meals, lodging
10 American Judicature Society - Devitt Award Ceremony	October 3-4, 2009	Lawrence, Kansas	Speaking Engagement	Transportation, meals, lodging

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Alito, Samuel A.

Date of Report

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Washington Golf & Country Club (see Section VIII)	Honorary Membership	\$0.00
2.		
3.		
4.		
5.		

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		
2.		
3.		
4.		
5.		

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

5/14/2009

## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. US Savings Bonds Series EE		None	L	T					
2. Vang. Tax Ex. Mny. Mkt. Fund	A	Interest	J	T					
3. Vang. Inter. Term Tax Ex. Fund	A	Interest	J	T					
4. Vang. Ins. L. T. Tax Ex. Fund	A	Interest	J	T					
5. Vang. Star Mut. Fund	B	Dividend	K	T					
6. Vang. Wellington Mut. Fund	C	Dividend	M	T					
7. Smith Barney Money Funds Cash Port.	A	Dividend	J	T					
8. PNC Bank Account	A	Interest	J	T					
9. Vang. Small Cap. Stock Fund	B	Dividend	L	T					
10. Vang. Total Stock Mkt. Index F.	B	Dividend	L	T					
11. Windsor II	A	Dividend	K	T					
12. Fidelity Eq.-Inc. II Fund	A	Dividend	J	T					
13. Windsor II (Y)									
14. Vang. Tax Ex. Mny. Mkt.	A	Interest	J	T					
15. Vang. Tax Ex. Mny Mkt.	A	Interest	J	T					
16. DIS Common Stock	A	Dividend	J	T					
17. Vang. Inter.-Term. Bond Index F. (Y)									

1. Income Gain Codes: (See Columns B1 and D4)	A –\$1,000 or less F –\$50,001 - \$100,000	B –\$1,001 - \$2,500 G –\$100,001 - \$1,000,000	C –\$2,501 - \$5,000 H1 –\$1,000,001 - \$5,000,000	D –\$5,001 - \$15,000 H2 –More than \$5,000,000	E –\$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J –\$15,000 or less N –\$250,001 - \$500,000 P3 –\$25,000,001 - \$50,000,000	K –\$15,001 - \$50,000 O –\$500,001 - \$1,000,000	L –\$50,001 - \$100,000 P1 –\$1,000,001 - \$5,000,000 P4 –More than \$50,000,000	M –\$100,001 - \$250,000 P2 –\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q –Appraisal U –Book Value	R –Cost (Real Estate Only) V –Other	S –Assessment W –Estimated	T –Cash Market	

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Alito, Samuel A.

Date of Report

5/14/2009

**VII. INVESTMENTS and TRUSTS** – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Citibank Deposit Program	A	Interest	J	T					
19. BMY Common Stock	A	Dividend	J	T					
20. XOM Common Stock	B	Dividend	L	T					
21. PNC Bank Account		None	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A – \$1,000 or less F – \$50,001 - \$100,000	B – \$1,001 - \$2,500 G – \$100,001 - \$1,000,000	C – \$2,501 - \$5,000 H1 – \$1,000,001 - \$5,000,000	D – \$5,001 - \$15,000 H2 – More than \$5,000,000	E – \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J – \$15,000 or less N – \$250,001 - \$500,000 P3 – \$25,000,001 - \$50,000,000	K – \$15,001 - \$50,000 O – \$50,001 - \$1,000,000	L – \$50,001 - \$100,000 P1 – \$1,000,001 - \$5,000,000 P4 – More than \$50,000,000	M – \$100,001 - \$250,000 P2 – \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q – Appraisal U – Book Value	R – Cost (Real Estate Only) V – Other	S – Assessment W – Estimated	T – Cash Market	



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

5/14/2009

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report)*

Part V - Gifts: I was extended membership to the Washington Golf and Country Club on August 29, 2008; however, I never used the Club's facilities and resigned on December 15, 2008.

Part VII - Investments & Trusts: Lines 13 & 17 - Change in dependents as defined.

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

5/14/2009

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature \_\_\_\_\_



NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

### FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document B

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2019

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting (last name, first, middle initial)</b>  Alito, Samuel A.	<b>2. Court or Organization</b>  United States Supreme Court	<b>3. Date of Report</b>  06/12/2020
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  Active	<b>5a. Report Type (check appropriate type)</b>  <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	<b>6. Reporting Period</b>  01/01/2019 to 12/31/2019
	<b>5b.</b> <input type="checkbox"/> Amended Report	
<b>7. Chambers or Office Address</b>  United States Supreme Court 1 First Street, NE Washington, DC 20544		
<b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Visiting Faculty	Duke University Law School
2. Honorary Advisory Board Member	Bolch Judicial Institute, Duke Law School
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

### A. Filer's Non-Investment Income

☐

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 3/9/2019	Duke University Law School - Teaching	\$15,000.00
2.		
3.		
4.		

### B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

*(Dollar amount not required except for honoraria.)*

☒

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

## IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*

☐

NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.				
2. Fordham Law School	3/29/2019 to 3/31/2019	New York, NY	Moot Court	Transportation/M meal/Lodging
3.				
4.				
5.				

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*



NONE *(No reportable gifts.)*

SOURCE

DESCRIPTION

VALUE

1.

2.

3.

4.

5.

## VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*



NONE *(No reportable liabilities.)*

CREDITOR

DESCRIPTION

VALUE CODE

1.

2.

3.

4.

5.

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Vang Inter Term Tax Ex Fund	D	Dividend	M	T					
2. Van LT Tax Ex Fund	A	Dividend	J	T					
3. Vanguard TE Mny Mkt	B	Dividend	L	T					
4. Vang Small Cap Stock Fund	C	Dividend	M	T					
5. Vang Total Stock Mkt Index F	D	Dividend	N	T					
6. Windsor II	C	Dividend	K	T					
7. Vang Star Mutual Fund	C	Dividend	L	T					
8. Vang Wellington Mut Fund	D	Dividend	N	T					
9. Roth IRA (H)									
10. -Edward Jones Investment (Cash Account)		None	J	T					
11. -AES Corp	A	Dividend	J	T					
12. -BHP Bilton PLC ADR	B	Dividend	J	T					
13. -Loccitane Luxembourg	A	Dividend	J	T					
14. -Sealed Air Corp	A	Dividend	J	T	Buy	01/09/19	J		
15. -TJX Cos Inc	A	Dividend	J	T					
16. Vanguard Target Retirement Acct 2015	A	Dividend	K	T	Buy (add'l)	03/25/19	J		
17. PNC Bank Accounts		None	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
18. Traditonal IRA (H)									
19. - Capital World Growth & Income Fund CLA	A	Dividend	J	T					
20. - Eaton Vance Mutual Funds Trust Gov't Oblig LC A	A	Dividend	J	T					
21. - Goldman Sachs Growth & Incom Strategy Fund CL A	A	Dividend	J	T					
22. - Income Fund of America CL A	A	Dividend	J	T					
23. - Putnam Dynamic Asset- Allocation Growth Fund CL A	A	Dividend	J	T					
24. - Putnam Dynamic Asset Allocation Balanced Fund CL A	A	Dividend	J	T					
25. Investment Account #1 (H)									
26. - Stafford Cnty & Staunton VA	A	Interest	K	T					
27. - Virginia Comwith Transn Brd	A	Interest	J	T					
28. - VA St Res Auth Wtr & Swr Rev	A	Interest	J	T					
29. - VA St Res Auth Wtr & Swr Sys	A	Interest	J	T					
30. - Virginia Beach VA GO Pub Impt	A	Interest	K	T					
31. - 3M Co	A	Dividend	K	T					
32. - Abbott Laboratories	A	Dividend	K	T					
33. - Abbvie Inc	A	Dividend	K	T					
34. - Becton Dickinson & Co	A	Dividend	J	T					

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
35. - Black Hills Corp	B	Dividend	K	T					
36. - Boeing Co	B	Dividend	K	T	Sold (part)	06/17/19	K	D	
37. - Caterpillar Inc	A	Dividend	J	T					
38. - Cdk Global Inc	A	Dividend	J	T					
39. - ConocoPhillips	A	Dividend	K	T					
40. - Corteva Inc	A	Dividend	J	T	Spinoff (from line 42)	06/01/19	J		
41. - Dow Inc	A	Dividend	J	T	Spinoff (from line 42)	04/01/19	J		
42. - DuPont De Nemours Inc (formerly DowDupont Inc)	A	Dividend	J	T					
43. -Fortis Inc	A	Dividend	K	T					
44. - Jacobs Engineering Group Inc	A	Dividend	K	T					
45. - Johnson & Johnson	A	Dividend	K	T					
46. - Molson Coors Brewing Co	A	Dividend	J	T					
47. - Mondelez International Inc	A	Dividend	K	T					
48. - OGE Energy Corp	A	Dividend	K	T					
49. - Oracle Corp		None			Sold	01/04/19	K	C	
50. - Parker Hannifin Corp	A	Dividend	K	T					
51. - Phillips 66	A	Dividend	K	T					

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
52. - PNC Bank Corp	A	Dividend	K	T					
53. - Procter & Gamble Co	A	Dividend	K	T					
54. - Sealed Air Corp	A	Dividend	J	T					
55. - TJX Cox Inc	A	Dividend	K	T					
56. - United Technologies Corp	A	Dividend	K	T	Sold (part)	06/17/19	J	B	
57. - Vanguard FTSE All-Wrld Exus ETF	A	Dividend	J	T					
58. Investment Account #2 (H)									
59. - Edward Jones Money Market (Y)									
60. - Ishares Russ 1000 Growth ETF	A	Dividend	K	T					
61. - Ishares Russ 1000 Value ETF	A	Dividend	K	T					
62. - Ishares Russ MC Value ETF	A	Dividend	K	T					
63. - Ishares S&P 500 Growth ETF	A	Dividend	K	T					
64. - SPDR S&P Dividend ETF	A	Dividend	K	T					
65. - Vanguard High Div Yield ETF	B	Dividend	L	T	Sold (part)	11/26/19	J	A	
66. - Vanguard Mid Cap Growth ETF	A	Dividend	K	T					
67. - American New World CI F3	A	Dividend	K	T					
68. - Dimensional DFA Int'l Value Fund	A	Dividend	K	T					

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

# FINANCIAL DISCLOSURE REPORT

Page 8 of 12

Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
69. -Fidelity: Advisor Inter Mun Incm Fd Z	B	Dividend	L	T					
70. -JP Morgan Fed Money Market	A	Dividend	J	T					
71. -MFS International Equity Fund	B	Dividend	K	T					
72. -MFS Municipal High Income R6	B	Dividend	L	T					
73. -T. Rowe Price Tax Free Short Inter	B	Dividend	L	T					
74. -Tiaa-Cref Instl Fd Intl Eqty	A	Dividend	K	T					
75. -USAA Tax Exempt Interm Term	C	Dividend	M	T	Sold (part)	08/27/19	J	A	
76. Investment Account #3 (H)									
77. - Fidelity Gov't MM Inst. Cl	A	Dividend	K	T					
78. - Ishares 1-3 Year Treasury Bd ETF	B	Dividend	L	T					
79. - Ishares Floating Rate Bond ETF	A	Dividend			Sold	04/22/19	L		
80. -SPDR Nuveen Bloomberg Barclays ST Muni Bd ETF	A	Dividend			Sold (part)	06/18/19	K		
81.					Sold	08/26/19	L	A	
82. -Metropolitan West Unconstrained	C	Dividend	L	T	Buy (add'l)	08/27/19	J		
83.					Buy (add'l)	09/23/19	J		
84.					Buy (add'l)	09/27/19	J		
85. -Pacific Funds Floating Rate	B	Dividend			Sold	07/01/19	K		

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

# FINANCIAL DISCLOSURE REPORT

Page 9 of 12

Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
86. -T. Rowe Price VA T/F Bond Fd	D	Dividend	M	T	Buy (add'l)	04/08/19	K		
87.					Buy (add'l)	06/04/19	J		
88.					Buy (add'l)	07/01/19	K		
89.					Buy (add'l)	08/27/19	J		
90. - Vanguard Inflation Protected Securities Fund Admiral		None			Sold	04/08/19	K		
91. - Vanguard Funds Inter-Term TE Fd 542	C	Dividend	M	T	Buy	04/22/19	L		
92.					Buy (add'l)	05/21/19	K		
93.					Buy (add'l)	06/24/19	K		
94.					Buy (add'l)	08/27/19	K		
95. - Vanguard Funds Limited Term Tax Exempt Fund 531 Admiral	C	Dividend	M	T	Buy (add'l)	03/01/19	J		
96.					Buy (add'l)	08/27/19	J		
97. - iShares S&P 100 ETF	B	Dividend	L	T	Sold (part)	12/26/19	J	C	
98. -iShares Edge MSCI USA Value Factor ETF	A	Dividend			Sold	05/21/19	J	C	
99. -iShares Core Dividend Growth ETF	A	Dividend	K	T					
100. -Vanguard FTSE Developed Markets ETF	A	Dividend	K	T					
101. - Vanguard FTSE All World Ex-US Index Fund	A	Dividend	K	T					
102. - Vanguard FTSE Europe ETF	A	Dividend			Sold	04/08/19	J	A	

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

# FINANCIAL DISCLOSURE REPORT

Page 10 of 12

Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
103. - Vanguard Mid Cap ETF	A	Dividend	K	T	Buy (add'l)	03/01/19	J		
104. - Vanguard Large Cap ETF	B	Dividend	M	T					
105. - Vanguard Growth ETF	B	Dividend	L	T	Buy (add'l)	03/01/19	J		
106.					Sold (part)	12/26/19	J	B	
107. - Vanguard Value ETF	B	Dividend	L	T	Sold (part)	12/26/19	J	B	
108. - Wisdomtree Large Cap Dividend Fd ETF	A	Dividend	K	T					
109. -Vanguard Int'l Valu Fd		None			Sold	03/01/19	K		
110. - WCM Focused Int'l Growth	A	Dividend	K		Buy	03/01/19	J		
111.					Buy (add'l)	08/29/19	J		
112. Mineral Interest, Grady Cnty, OK	G	Rent	M	W					
113. Kansas City Life Insurance (X)	A	Interest	J	T					
114.									
115.									
116.									
117.									
118.									

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

# FINANCIAL DISCLOSURE REPORT

Page 11 of 12

Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

# FINANCIAL DISCLOSURE REPORT

Page 12 of 12

Name of Person Reporting

Alito, Samuel A.

Date of Report

06/12/2020

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Samuel A. Alito

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document C



FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2003Report Required by the Ethics  
in Government Act of 1978,  
(5 U.S.C. App. §§101-111)

1. Person Reporting (Last name, first, middle initial)  SCALIA, Antonin	2. Court or Organization  U. S. Supreme Court	3. Date of Report  5/15/04
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Associate Justice	5. Report Type (check appropriate type)  ____ Nomination, Date _____ ____ Initial <input checked="" type="checkbox"/> Annual ____ Final	6. Reporting Period  1/1/03 - 12/31/03
7. Chambers or Office Address  U.S. Supreme Court 1 First Street NE Washington, D.C.	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.  Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of Instructions.)

POSITION	NAME OF ORGANIZATION/ENTITY
<input type="checkbox"/> NONE (No reportable positions.)	
1 Honorary Member	U.S. Association of Constitutional Law 55 Fifth Avenue, New York, New York
2 Advisory Board Member	Temple University Law School Program in China People's Republic of China
3 Distinguished Scholars Advisory Board	National Constitution Center Philadelphia, Pennsylvania

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of Instructions.)

DATE	PARTIES AND TERMS
<input checked="" type="checkbox"/> NONE (No reportable agreements.)	
1	
2	

## III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of Instructions.)

DATE	SOURCE AND TYPE	GROSS INCOME
A. Filer's Non-Investment Income		
<input type="checkbox"/> NONE (No reportable non-investment income.)		
1	see attached schedule	\$
2		\$
3		\$
B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, please complete this section. (dollar amount not required except for honoraria)		
<input checked="" type="checkbox"/> NONE (No reportable non-investment income.)		
1		
2		

5/15/04

## III. NON-INVESTMENT INCOME

March 17, 2003	University of Toledo compensation for teaching	\$7500
March 18, 2003	John Carroll University compensation for teaching	\$5000
April 10, 2003	Univ. of Mississippi School of Law compensation for teaching	\$2000
July 5-20, 2003	Hofstra Univ. School of Law Summer Program compensation for teaching	\$8500

# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting  
SCALIA, Antonin

Date of Report  
5/15/04

## IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment. (Includes those to spouse and dependent children. See pp. 25-27 of Instructions.)

	SOURCE	DESCRIPTION
<input type="checkbox"/>	NONE (No such reportable reimbursements.)	
1	see attached schedule	
2		
3		
4		
5		
6		
7		

## V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of Instructions.)

	SOURCE	DESCRIPTION	VALUE
<input type="checkbox"/>	NONE (No such reportable gifts.)		
1	Washington Golf and Tennis Club Arlington, Virginia	honorary membership	\$ 4,000
2	University Club Washington, D.C.	honorary membership	\$ 1,500
3			\$
4			\$

## VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-33 of Instructions.)

	CREDITOR	DESCRIPTION	VALUE CODE*
<input type="checkbox"/>	NONE (No reportable liabilities.)		
1	NW Mutual Life Ins. Co.	loan on insurance	J
2			
3			
4			
5			

\*Value Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000  
N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000  
P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=\$50,000,001 or more

IV- 2003 – Reimbursements and Gifts

SCALIA, Antonin

5/15/04

Alaska Bar Association  
Fairbanks, Alaska  
May 7-12, 2003  
transportation, food, lodging

Association of Business Trial Lawyers  
Santa Monica, California  
November 15, 2003  
transportation

John Carroll University  
Cleveland, Ohio  
March 18-19, 2003  
transportation, food, lodging

University of Chicago Law School  
Chicago, Illinois  
May 5-6, 2003  
transportation

City Club of Cleveland  
Cleveland, Ohio  
March 19, 2003  
transportation

The Federalist Society  
Denver, Colorado  
August 13-18, 2003  
transportation, food, lodging

Hofstra Law School Summer Program  
Nice, France  
July 5-20, 2003  
transportation, food, lodging

The Independence Institute  
Denver, Colorado  
October 17-21, 2003  
transportation, food, lodging

Japanese Society for Legal Studies,  
Doshisa University, Hokkaido University,  
University of Tokyo  
Japan  
January 30-February 10, 2003  
transportation, food, lodging

Judge Advocate General's School  
Charlottesville, Virginia  
March 11, 2003  
food

Law Center, Louisiana State University  
Baton Rouge, Louisiana  
October 24-27, 2003  
transportation

Louisiana Purchase Bicentennial Celebration  
New Orleans, Louisiana  
December 19, 2003  
transportation

The Mentor Group  
Rome, Italy  
September 15-21, 2003  
transportation, food, lodging

University of Mississippi College of Law  
University, Mississippi  
April 9-10, 2003  
transportation

National Constitution Center  
Philadelphia, Pennsylvania  
July 3-4, 2003  
transportation

University of Pennsylvania Law School  
Philadelphia, Pennsylvania  
February 13, 2003  
transportation, food, lodging

Pepperdine University Law School  
Los Angeles, California  
November 14-19, 2003  
transportation

Seminars in Christian Leadership  
Calvin College Prince Conference Center  
Grand Rapids, Michigan  
June 29-30, 2003  
transportation, food, lodging

University of Toledo College of Law  
Toledo, Ohio  
March 17-18, 2003  
transportation, food, lodging

Urban Family Council  
Philadelphia, Pennsylvania  
May 20-21, 2003  
transportation

University of Western Ontario  
London, Ontario  
September 11-13, 2003  
transportation, food, lodging

# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

SCALIA, Antonin

Date of Report

5/15/04

## VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-57 of Instructions.)

A Description of Assets (including trust assets)	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amr. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy/sell, merger, redemption)	(2) Date Month/Day	(3) Value Code2 (J-P)	(4) Amr. Code1 (A-H)	(5) Name of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income,									
1 Teachers Ins. Annuity Assn College Retirement Equities Fund, N.Y., N.Y.	none		O	T					
2 Computer Horizons Corp. common stock	none		J	T					
4 Chevy Chase Bank FSB (checking account)	A	int.	K	T					
5 Herley Industries Inc. (common stock)	none		K	T					
6 Mass. Mut. Part. Inv. (Common stock)	none		J	T					
7 ICOS Corp. (common stock)	none		J	T					
8 AXA Financial	A	div.	J	T					
9 Motorola	A	div.	J	T					
10 AFG Growth A	A	div.	K	T					
11 AFG Inv. Co. of Amer.	A	div.	K	T	buy	7/22	J		
12 AFG Fund Inv. A	A	div.	K	T					
13 AFG NewPer Fd A	A	div.	J	T					
14 AFG Wash. Mut. Inv. A	A	div.	J	T	buy	7/22	J		
15 MONY Securities Corp. (money market account)	A	int.	J	T	buy	7/22	J		
16 AIRBAX	A	div.	J	T	buy	7/22	J		
17									

1	Income/Gain Codes: A=\$1,000 or less (See Col. B1, D4)	B=\$1,001-\$2,500	C=\$2,501-\$5,000	D=\$5,001-\$15,000	E=\$15,001-\$50,000
2	Value Codes: J=\$15,000 or less (See Col. C1, D3)	K=\$15,001-\$50,000	L=\$50,001-\$100,000	M=\$100,001-\$250,000	N=\$250,001-\$500,000
3	Value Method Codes: Q=Appraisal (See Col. C2)	R=Cost (real estate only)	S=Assessment	T=Cash/Market	W=Estimated

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

SCALIA, Antonin

Date of Report

5/15/04

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app., § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature

Date 5/15/04

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. App., § 104.)

FILING INSTRUCTIONS.

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the  
United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544



# Key Document D

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2005

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Scalia, Antonin	2. Court or Organization Supreme Court of the U.S.	3. Date of Report 08/08/2006
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Associate Justice	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination, <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2005 to 12/31/2005
7. Chambers or Office Address Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
<p><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of instructions.)

☐ NONE (No reportable positions.)

### POSITION

### NAME OF ORGANIZATION/ENTITY

1. Honorary Member	U.S. Association of Constitutional Law
2. Advisory Board Member	Temple University Law School Program in People's Republic of China
3. Trustee	Trust #1
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of instructions.)

☒ NONE (No reportable agreements.)

### DATE

### PARTIES AND TERMS

1.	
2.	
3.	

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 AUG 14 10 59 AM '06  
 FINANCIAL  
 DISCLOSURE OFFICE

**FINANCIAL DISCLOSURE REPORT**

Page 2 of 11

Name of Person Reporting

Scalia, Antonin

Date of Report

08/08/2006

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2005	Ave Maria School of Law - teaching	\$ 2,500
2. 2005	University of Denver Sturm College of Law - teaching	\$ 7,500
3. 2005	Vanderbilt University Law School - teaching	\$ 8,000
4. 2005	Chapman University School of Law - teaching	\$ 3,500
5. 2005	Institute on Religion and Public Life - compensation for book review for First Things	\$ 400

**B. Spouse's Non-Investment Income** - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	
5.	

**IV. REIMBURSEMENTS** - *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. American College of Trial Lawyers	Sept. 27-28 - Boston, MA, Conference w/ Law Lords/Transportation, Food, and Lodging
2. Ave Maria School of Law	Jan. 25-26 - Ann Arbor, MI, Teaching/Transportation, Food, and Lodging
3. Chapman University School of Law	Aug. 28-29 - San Diego, CA, Teaching/Transportation, Food
4. Columbus Citizens Foundation	Oct. 8-10 - New York, NY, Awards Ceremony and Parade/Transportation, Food, and Lodging
5. Federalist Society	June 4 - Napa, CA, Speech/Transportation, Food, and Lodging
6. Federalist Society	Sept. 28-Oct. 1 - Denver, CO, Lectures/Transportation, Food, and Lodging
7. George Bush Presidential Library Foundation	May 5 - College Station, TX, Speech/Transportation, Food, and Lodging

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Name of Person Reporting

Scalia, Antonin

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8. Historical Society of the U.S. District Court for the Eastern District of PA	May 24 - Philadelphia, PA, Speech/Transportation, Food, and Lodging
9. Houston Inns of Court	May 4 - Houston, TX, Speech/Transportation, Food, and Lodging
10. Julliard School	Sept. 22 - New York, NY, Speech/ Transportation, Food, and Lodging
11. Knights of Columbus, Baton Rouge Chapter	Jan. 21-22 - Baton Rouge, LA, Speech/Transportation, Food, and Lodging
12. Mentor Group	Sept. 12-17 - Rome, Italy, Conference/Transportation, Food, and Lodging
13. Mentor Group	Oct. 28-29 - New York, NY, Ends of the Earth Annual Dinner/Transportation, Food, and Lodging
14. Michigan Inns of Court	May 18 - Lansing, MI, Speech/Transportation, Food
15. National Italian American Foundation	May 8-15 - Rome, Italy and Palermo, Sicily, Speeches/Transportation, Food, and Lodging
16. National University of Ireland, Galway	Feb. 7-10 - Galway, Ireland, Lecture/Transportation, Food, and Lodging
17. New York University School of Law	April 12 - New York, NY, Speech and Awards Ceremony/Transportation, Food, and Lodging
18. Roman Catholic Diocese of Louisiana	April 7-8 - Shreveport, LA, Speech/Transportation, Food
19. Time Warner	Nov. 21 - New York, NY, Speech/Transportation, Food, and Lodging
20. Trinity College, Melbourne	Oct. 20-24 - Melbourne, Australia, Conference/Transportation, Food, and Lodging
21. University of Denver Sturm College of Law	March 4-8 - Denver, CO, Teaching/Transportation, Food, and Lodging
22. University of Kansas School of Law	July 3-14 - Istanbul, Turkey, Teaching/Transportation, Food, and Lodging
23. Vanderbilt University Law School	April 10-11 - Nashville, TN, Teaching/Transportation, Food, and Lodging
24. Washington & Lee University School of Law	April 14-15 - Lexington, VA, Speech/Transportation, Food, and Lodging

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Scalia, Antonin

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**V. GIFTS.** *(Includes those to spouse and dependent children. See pp. 28-31 of instructions.)*☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Washington Golf and Tennis Club	Honorary Membership	\$ 4,000
2. University Club	Honorary Membership	\$ 1,500
3. Sidney Shiff, Limited Editions Club	Art book of Cosi fan Tutte	\$ 1,000
4.		
5.		

**VI. LIABILITIES.** *(Includes those of spouse and dependent children. See pp. 32-34 of instructions.)*☐ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. NW Mutual Life Insurance Company	Loan on insurance	J
2.		
3.		
4.		
5.		

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Name of Person Reporting

Scalia, Antonin

Date of Report

08/08/2006

## VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "XX" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. TIAA-CREF	D	Interest	M	T	sell	08/09	O	G	
2. Chevy Chase Bank Account	A	Interest	J	T					
3. American Funds Growth Fund of America A (AGTHX)	A	Dividend	L	T	buy	02/01	J		
4.					buy	08/25	J		
5. America Funds Investment Company of America A (AIVSX)	B	Dividend	K	T	buy	02/01	J		
6.					buy	08/25	J		
7. American Funds Fundamental Investors A (ANCFX)	A	Dividend	K	T	buy	02/01	J		
8.					buy	08/25	J		
9. American Funds New Perspective Fund (ANWPX)	C	Dividend	K	T	buy	02/01	J		
10.					buy	08/25	J		
11.					buy	10/26	J		
12. American Funds Washington Mutual Investors Fund A (AWSHX)	A	Dividend	K	T					
13. Enterprise Money Market Fund (Enterprise Mgmnt Fund)	A	Dividend			sell	06/06	K		
14. American Funds Intermediate Bond Fund of America A (AIBAX)	A	Dividend	K	T	buy	02/01	J		
15. American Funds AMCAP Fund A	A	Dividend	K	T	buy	08/25	J		
16.					buy	10/26	J		
17. American Funds U.S. Government Securities Fund A	A	Dividend	K	T	buy	10/26	K		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes: (See Column C2)	P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	P4 = More than \$5,000,000 S = Assessment W = Estimated	T = Cash Market	

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Name of Person Reporting

Scalia, Antonin

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. American Funds American High Income Trust A	A	Dividend	K	T	buy	08/25	J		
19.					buy	10/26	K		
20. American Funds American Mutual Fund Class A	B	Dividend	L	T	buy	02/01	J		
21.					buy	08/25	J		
22.					buy	10/26	K		
23. American Funds Bond Fund of America A	A	Dividend	K	T	buy	08/25	J		
24.					buy	10/26	K		
25. American Funds Capital Income Builder A	A	Dividend	K	T	buy	08/25	J		
26.					buy	10/26	K		
27. American Funds Capital World Bond Fund A	A	Dividend	K	T	buy	08/25	J		
28.					buy	10/26	K		
29. American Funds Capital World Growth & Income Fund A	B	Dividend	K	T	buy	08/25	J		
30.					buy	10/26	K		
31. American Funds Income Fund of America A	A	Dividend	J	T	buy	02/01	J		
32. Federated Capital Reserves money market fund	A	Dividend	J	T	buy	06/07	J		
33. Pershing Government Account money market fund	D	Dividend	N	T	buy	06/07	J		
34.					buy	08/11	N		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	P4 = More than \$50,000,000 S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Scalia, Antonin

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35.					buy	08/15	N		
36.					part redeem	08/30	M		
37.					part redeem	10/31	M		
38.									
39.									
40.									
41.									
42.									
43.									
44.									
45.									
46.									
47.									
48.									
49.									
50.									
51.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)					
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value				



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions)

☐

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "X" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. TRUST #1	C	Interest							
53. -U.S. Treasury Notes					See Pt. VIII	02/11			
54. -GNMA Pass Thru Pool Securities					See Pt. VIII	02/11			
55. -Treasury Bank CD					See Pt. VIII	02/11			
56. -First Bank PR CDs					See Pt. VIII	02/11			
57. -Bank of NY CD					See Pt. VIII	02/11			
58.									
59.									
60.									
61.									
62.									
63.									
64.									
65.									
66.									
67.									
68.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
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# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. TRUST #2	D	Dividend	O	T					
70. -ML Bd Fd Core Bd Pt A									
71. -ML Bond Fd Core Bd Pt F					buy add'l	01/04	K		
72.					partial sale	03/11	J		
73. -ML Basic Value Fd Cl A									
74. -ML Basic Value Fd Cl I					buy add'l	01/04	K		
75. -ML Equity Dividend Cl B					partial sale	03/11	K	D	
76. -ML Fundamental Growth A									
77. -ML Fundamental Growth I					buy add'l	01/04	J		
78. -ML Global Allocation A									
79. -ML Global Allocation I									
80. -ML Global Financial Svc					buy	03/10	N		
81. -ML Global Smallcap Cl I									
82. -ML Large Cap Core					buy add'l	01/04	K		
83.					buy add'l	03/11	K		
84. -ML Short Term U.S.					partial sale	02/10	J		
85.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
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**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of Report.)*

## Trust #1

This was an inter vivos trust for which the filer served as trustee. Following the trustor's death in 2004, the filer sold and otherwise distributed all reportable assets to the named beneficiaries in 2005, per the terms of the trust.

The Fleet and Chevy Chase bank accounts are no longer reportable.

## Trust #2

Please note the following:

Mercury Intl Fd Cl B is now known as ML Intl Value B.

Mercury U.S. Large Cap is now known as ML U.S. Large Cap.

ML Equity Income A is now known as ML Equity Dividend Cl A.

ML Equity Income B is now known as ML Equity Dividend Cl B.

Part VII, page 3, line 3 (2004), add lines 5 and 21 (2003), Col. D(1), add the word "partial."

Part VII, page 3, line 7 (2004), add the letter "B" to the description in Column A.

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

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**IX. CERTIFICATION.**

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

Date

8/VIII/06

NOTE: ANY INDIVIDUAL WHO AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

**FILING INSTRUCTIONS**

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document E

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2007

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial)  Scalia, Antonin	<b>2. Court or Organization</b>  Supreme Court of the U.S.	<b>3. Date of Report</b>  05/15/2008
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Associate Justice	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination, <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2007 to 12/31/2007
<b>7. Chambers or Office Address</b>  Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543	<b>8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.</b>  Reviewing Officer _____ Date _____	
<b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Honorary Member	U.S. Association of Constitutional Law
2. Advisory Board Member	Temple University Law School Program in People's Republic of China
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

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DISCLOSURE OFFICE

**FINANCIAL DISCLOSURE REPORT**  
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Name of Person Reporting  
Scalia, Antonin

Date of Report  
05/15/2008

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

**A. Filer's Non-Investment Income**

☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2007	Claremont McKenna Collerge - Teaching	\$ 10,000
2. 2007	Colgate University - Donation to charitable organization	\$ 1,000
3. 2007	Iona College - Donation to charitable organization	\$ 2,000
4. 2007	St. Mary's University - Teaching	\$ 5,000
5. 2007	University of Portland - Donation to charitable organization	\$ 2,000
6. 2007	University of Toledo - Teaching	\$ 5,000
7. 2007	Thomaas Jefferson School of Law - Teaching	\$ 2,000
8. 2007	Valparaiso University - Teaching	\$ 3,000
9. 2007	Villanova University - Donation to charitable organization	\$ 2,000
10. 2007	West Services, Inc. - Book Advance	\$ 33,000

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.  
(Dollar amount not required except for honoraria.)*

☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** *-- transportation, lodging, food, entertainment*

*(Includes those to spouse and dependent children. see pp 25-27 of filing instructions.)*

☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Carleton University	June 12	Ottawa, Canada	Conference	Transportation, Food

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2.	Claremont McKenna College	Jan. 31-Feb. 2	Claremont, CA	Teaching	Transportation, Food, and Lodging
3.	Cleveland Clinic	Jan. 10	Cleveland, OH	Speech	Transportation, Food
4.	Federalist Society	Sept. 10-11	Beaver Creek, CO	CLE Course	Transportation, Food
5.	Federalist Society	Jan. 29	Indian Wells, CA	Speech	Transportation, Food, and Lodging
6.	First Hawaiian Bank	Feb. 9	Honolulu, HI	Speech	Transportation, Food
7.	Harvard University	Nov. 13-14	Cambridge, MA	Moot Court, Teaching	Transportation, Food, and Lodging
8.	Iona College	Jan. 23	New Rochelle, NY	Teaching	Transportation, Food, and Lodging
9.	Jesse Helms Center Foundation	Oct. 26	Raleigh, NC	Speech	Transportation, Food, and Lodging
10.	McGill Institute	Feb. 16	Montreal, Quebec	Conference	Transportation, Food, and Lodging
11.	Memphis Bar Foundation	Dec. 17	Memphis, TN	Speech	Transportation, Food
12.	Mentor Group	Sept. 18-21	Lisbon, Portugal	Conference	Transportation, Food, and Lodging
13.	Order of Malta	Nov. 9	New York, NY	Speech	Transportation, Food, and Lodging
14.	Pepperdine University	July 18-20	London, England	Teaching	Transportation, Food, and Lodging
15.	Robert, Joseph E., Jr.	Aug. 26-30	Iliamna, AL	Personal	Transportation, Food, and Lodging
16.	Sheridan County Bar Association	May 15	Sheridan, WY	Speech	Transportation, Food
17.	St. Mary's University	June 30-July 13	Innsbruck, Austria	Teaching	Transportation, Food, and Lodging
18.	Stetson University College of Law	Apr. 4	Tampa, FL	Lecture	Transportation
19.	Thomas Jefferson School of Law	Sept. 3-4	San Diego, CA	Teaching	Food, Lodging
20.	Universidad Peruana de Ciencias Aplicadas	May 26-June 1	Lima, Peru	Conference	Transportation, Food, and Lodging
21.	University College Dublin Law Society	Mar. 4-6	Dublin, Ireland	Lecture	Transportation, Food, and Lodging
22.	University of Delaware	Apr. 27	Newark, DE	Lecture	Transportation, Food
23.	University of Edinburgh	Dec. 9-12	Edinburgh, Scotland	Lecture	Transportation, Food, and Lodging
24.	University of Notre Dame	Oct. 19-20	Notre Dame, IN	Teaching	Transportation, Food, and Lodging
25.	University of Portland	Apr. 11-13	Portland, OR	Teaching	Transportation, Food, and Lodging



**FINANCIAL DISCLOSURE REPORT**

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Scalia, Antonin

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26.	University of San Diego	Sept. 5-7	San Diego, CA	Teaching	Transportation, Food, and Lodging
27.	University of Texas at Austin	Mar. 3	Austin, TX	Lecture	Transportation, Food, and Lodging
28.	University of Toledo Foundation	Mar. 12-13	Toledo, OH	Teaching	Transportation, Food, and Lodging
29.	Valparaiso University	Oct. 18	Valparaiso, IN	Moot Court, Teaching	Transportation, Food, and Lodging
30.	Valparaiso University	July 14-17	Cambridge, England	Teaching	Transportation, Food
31.	Villanova University	Oct. 15-16	Villanova, PA	Teaching	Transportation, Food
32.	Virginia Military Institute	Mar. 30	Lexington, VA	Lecture	Food, Lodging
33.	World Forum on the Future of Sport Shooting Activities	Mar. 8	Nuremberg, Germany	Speech	Transportation, Food

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Date of Report

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**V. GIFTS.** (Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)☐ NONE (No reportable gifts.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Washington Golf and Tennis Club	Honorary Membership	\$ 4,000
2.	University Club	Honorary Membership	\$ 1,500
3.			
4.			
5.			

**VI. LIABILITIES.** (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)☐ NONE (No reportable liabilities.)

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	NW Mutual Life Insurance Company	Loan on insurance	J
2.			
3.			
4.			
5.			

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Scalia, Antonin

Date of Report

05/15/2008

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. TIAA-CREF	D	Interest	M	T					
2. Chevy Chase Bank Account	A	Interest	L	T					
3. American Funds Growth Fund of America A (AGTHX)	C	Dividend	L	T	Part. Sale	1-18	J	A	
4. America Funds Investment Company of America A (AIYSX)	C	Dividend	L	T					
5. American Funds Fundamental Investors A (ANCFX)	C	Dividend	L	T					
6. American Funds New Perspective Fund (ANWPX)		None			Part. Sale	1-18	J	B	
7.					Sold	10-5	L	E	
8. American Funds Washington Mutual Investors Fund A (AWSHX)	B	Dividend	K	T					
9. American Funds Intermediate Bond Fund of America A (AIBAX)	A	Dividend	K	T					
10. American Funds AMCAP Fund A	A	Dividend			Buy	1-18	J		
11.					Sold	10-5	L	D	
12. American Funds U.S. Government Securities Fund A	B	Dividend	K	T	Buy	1-18	J		
13. American Funds American High Income Trust A	D	Dividend	L	T	Buy	1-18	J		
14. American Funds American Mutual Fund Class A	D	Dividend	M	T	Part. Sale	1-18	K	C	
15. American Funds Bond Fund of America A	D	Dividend	M	T	Buy	1-18	K		
16. American Funds Capital Income Builder A	D	Dividend	M	T					
17. American Funds Capital World Bond Fund A	A	Dividend			Sold	1-18	K		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and B3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. American Funds Capital World Growth & Income Fund A	D	Dividend	L	T					
19. American Funds Income Fund of America A	A	Dividend	J	T					
20. American Funds EuroPacific Growth Fund A (AEPGX)	B	Dividend	K	T					
21. Chase Packaging Corp. Common Stock		None	L	T	Sold	10-5	J	A	
22. Loomis Sayles Invest Grade Bond Fund (LSIIX)	A	Dividend	L	T	Buy	10-5	K		
23. Vanguard Inflation Protected Securities Fund (VIPSX)	A	Dividend	L	T	Buy	10-6	K		
24. Federated Capital Reserves money market fund	A	Dividend			Sold	4-18	L		
25. Pershing Government Account money market fund	A	Dividend			Sold	4-18	K		
26. Schwab Adv Cash Reserves	B	Dividend	L	T	Buy	4-18	L		
27. Trust #1	F	Dividend	O	T					
28. -CNA Money Fund (cash account)									
29. -BlackRock Large Cap Core Fund Instl (MALRX)									
30. -BlackRock Large Cap Core Fund A (MDLRX)									
31. -BlackRock Equity Dividend Fd A (MDDVX)									
32. -BlackRock Global Sm Cap Fd Instl (MAGCX)									
33. -BlackRock Global Growth Instl (MAGGX)					Buy	5-18	L		
34. -BlackRock Equity Dividend Instl (MADVX)									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. -BlackRock Global Allocation Instl (MALOX)									
36. -BlackRock Total Return Instl (MAHQX)									
37. -BlackRock Fundamental Growth Instl (MAFGX)					Sold	5-18	L	E	
38.									
39.									
40.									
41.									
42.									
43.									
44.									
45.									
46.									
47.									
48.									
49.									
50.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

# FINANCIAL DISCLOSURE REPORT

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## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

- 1) Part VII, Line 21 - Acquired before 2007, not recorded because value was less than \$1,000
- 2) Part VII, Line 28 - This asset was mistakenly omitted from the 2006 report.
- 3) Part VII, Line 29 - This asset was formerly referred to as ML Large Cap Core
- 4) Part VII, Line 30 - This asset was mistakenly omitted from the 2006 report.
- 5) Part VII, Line 31 - This asset was formerly referred to as ML Equity Dividend B. It was converted from B shares to A shares in December 2007.
- 6) Part VII, Line 32 - This asset was formerly referred to as ML Global Smallcap Cl I.
- 7) Part VII, Line 34 - This asset was purchased on 03/09/2006.
- 8) Part VII, Line 35 - This asset was formerly referred to as ML Global Allocation I
- 9) Part VII, Line 36 - This asset was formerly referred to as ML Bond Fd Core Bd Pt F. It changed names from "Core Bond" to "Total Return" in September 2007.
- 10) Part VII, Line 37 - This asset was formerly referred to as ML Fundamental Growth I
- 11) Part VII, Trust #1 - The following assets became unreportable prior to the current reporting period

- ML Global Financial Svc
- ML Basic Value Fd Cl I
- ML Bd Fd Core Bd Pt A
- ML Basic Value Fd Cl A
- ML Fundamental Growth A
- ML Global Allocation A
- ML Short Term U.S.

# FINANCIAL DISCLOSURE REPORT

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## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

### FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document F



FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2008Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Scalia, Antonin	2. Court or Organization Supreme Court of the U.S.	3. Date of Report 05/15/2009
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Associate Justice	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination,      Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2008 to 12/31/2008
7. Chambers or Office Address Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.  Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)POSITIONNAME OF ORGANIZATION/ENTITY

1. Honorary Member

U.S. Association of Constitutional Law

2. Advisory Board Member

Temple University Law School Program in People's Republic of China

3.

4.

5.

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)DATEPARTIES AND TERMS

1.

2.

3.

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**FINANCIAL DISCLOSURE REPORT**

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2008	New England School of Law - Teaching	\$3,500.00
2. 2008	University of Baltimore - Teaching	\$5,000.00
3. 2008	University of Central Missouri - Teaching	\$5,000.00
4. 2008	University of Virginia - Teaching	\$5,000.00
5. 2008	Utah State University - Teaching	\$7,000.00
6. 2008	West Services, Inc. - Book advance and royalties	\$98,716.41

**B. Spouse's Non-Investment Income** - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** - *transportation, lodging, food, entertainment**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Agudath Israel of America	June 1	New York, NY	Speech	Transportation, Food, and Lodging
2. Bloomberg, L.P.	May 28	New York, NY	Speech	Transportation, Food, and Lodging
3. Federal Bar Association, New Orleans Chapter	October 13	New Orleans, LA	Speech	Transportation, Food
4. Federalist Society	July 31	Denver, CO	Speech	Food, Lodging
5. Federalist Society	September 16	Chicago, IL	Speech	Food, Lodging

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6. Federalist Society	October 1	Boston, MA	Speech	Food, Lodging
7. Federalist Society	October 27	Philadelphia, PA	Speech	Transportation, Food, and Lodging
8. Harvard University	October 2-3	Cambridge, MA	Lecture	Transportation, Food, and Lodging
9. John Marshall Law School	September 16	Chicago, IL	Lecture	Transportation, Food
10. Mentor Group	November 7	New York, NY	Ends of the Earth Dinner	Transportation, Food, and Lodging
11. Mississippi State University	January 24	Mississippi State, MS	Lecture	Transportation, Food, and Lodging
12. Montana Association of Criminal Defense Lawyers	July 28	Bozeman, MT	Speech	Transportation, Food
13. New England School of Law	July 6-17	Galway, Ireland	Teaching	Transportation, Food, and Lodging
14. Princeton University	March 7	Princeton, NJ	Lecture	Transportation, Food, and Lodging
15. Roger Williams University	April 7	Bristol, RI	Lecture	Transportation, Food, and Lodging
16. St. Edmund's Enders Island	October 3	Mystic, CT	Speech	Transportation, Food, and Lodging
17. St. Mary's University	April 3	San Antonio, TX	Lecture	Transportation, Food
18. Scribes	August 9	New York, NY	Speech	Transportation, Food, and Lodging
19. Seventh Circuit Bar Association	May 19	Chicago, IL	Speech	Transportation, Food, and Lodging
20. South Eastern Circuit	February 5	London, England	Lecture	Transportation, Food
21. Supreme Court Historical Preservation Commission	May 20	Springfield, IL	Speech	Transportation, Food, and Lodging
22. Texas Tech University	November 14-17	Lubbock, TX	Lectures	Transportation, Food, and Lodging
23. University of Baltimore	April 24	Baltimore, MD	Teaching	Food
24. University of Central Missouri	March 4-5	Warrensburg, MO	Teaching	Transportation, Food, and Lodging
25. University of Iceland	October 18	Reykjavik, Iceland	Lecture	Transportation, Food, and Lodging
26. University of Montana	September 24	Missoula, MT	Lecture	Transportation, Food, and Lodging
27. University of Virginia	April 10-11	Charlottesville, VA	Teaching	Food, Lodging
28. Utah State University	September 15	Logan, UT	Teaching	Transportation, Food, and Lodging
29. West Point Society of New York	March 14	New York, NY	Speech	Transportation, Food, and Lodging
30. Wyoming State Bar	September 11-12	Cheyenne, WY	Speeches	Transportation, Food, and Lodging

**FINANCIAL DISCLOSURE REPORT**

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Washington Golf and Tennis Club *withdrew before end of reporting period	Honorary Membership	\$700.00
2. University Club *withdrew before end of reporting period	Honorary Membership	\$700.00
3.		
4.		
5.		

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. NW Mutual Life Insurance Company	Loan on insurance	J
2.		
3.		
4.		
5.		

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
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1. TIAA-CREF	D	Interest	M	T					
2. Chevy Chase Bank Account	A	Interest	L	T					
3. American Funds Growth Fund of America A (AGTHX)		None			Sold (part)	10-13	K		
4.					Sold	11-21	J		
5. America Funds Investment Company of America A (AIVSX)	A	Dividend			Sold	05-08	K	B	
6. American Funds Fundamental Investors A (ANCFX)		None			Sold	01-15	L	D	
7. American Funds Washington Mutual Investors Fund A (AWSHX)	A	Dividend	J	T					
8. American Funds Intermediate Bond Fund of America A (AIBAX)		None			Sold	01-15	K	B	
9. American Funds U.S. Government Securities Fund A		None			Sold	01-15	L		
10. American Funds American High Income Trust A	B	Dividend			Sold (part)	01-15	K		
11.					Sold	05-08	K		
12. American Funds American Mutual Fund Class A	A	Dividend	J	T	Sold (part)	05-08	L		
13. American Funds Bond Fund of America A	B	Dividend			Sold (part)	01-15	L		
14.					Sold (part)	05-08	K		
15.					Sold	07-23	L		
16. American Funds Capital Income Builder A	B	Dividend			Sold (part)	07-09	K	A	
17.					Sold	07-23	L		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
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3. Value Method Codes (See Column C2)					

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
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18. American Funds Capital World Growth & Income Fund A	A	Dividend			Sold (part)	01-15	K	C	
19.					Sold (part)	07-09	K		
20.					Sold	11-21	J		
21. American Funds Income Fund of America A	A	Dividend			Sold	11-21	J		
22. American Funds EuroPacific Growth Fund A (AEPGX)		None			Sold	11-21	J		
23. Loomis Sayles Invest Grade Bond Fund (LSIIX)	D	Dividend	L	T	Buy (add'l)	01-15	K		
24.					Buy (add'l)	05-08	J		
25.					Sold (part)	07-09	K		
26.					Buy (add'l)	10-13	K		
27. Vanguard Inflation Protected Securities Fund (VIPSX)	D	Dividend	M	T	Buy (add'l)	01-16	K		
28.					Buy (add'l)	02-01	J		
29.					Buy (add'l)	05-09	J		
30.					Buy (add'l)	07-09	K		
31. Schwab Adv Cash Reserves	C	Dividend	L	T					
32. American Funds Bond Fund of America 529F1 (CFAFX)	A	Dividend	J	T					
33. American Funds Capital World Growth & Income 529F1 (CWIFX)	A	Dividend	J	T					
34. American Funds Growth Fund of America 529F1 (CGFFX)	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

35. American Funds Income Fund of America 529F1 (CIMFX)	A	Dividend	J	T					
36. Calvert Global Alt Energy I (CAEIX)		None	K	T	Buy	10-13	K		
37. CGM Realty Fund (CGMRX)	A	Dividend	J	T	Buy	02-01	J		
38.					Buy (add'l)	10-13	K		
39.					Sold (part)	11-21	J		
40. Federated Prudent Bear Fund A (BEARX)	E	Dividend	M	T	Buy	05-08	J		
41.					Buy (add'l)	07-09	J		
42.					Buy (add'l)	11-20	L		
43. Harbor Bond Fund Inst (HABDX)	C	Dividend	L	T	Buy	07-28	L		
44.					Buy (add'l)	10-13	K		
45. Ivy Science & Technology (ISTIX)	B	Dividend	K	T	Buy	10-13	J		
46.					Buy (add'l)	11-21	K		
47. Keeley Small Cap Value (KSCIX)		None	K	T	Buy	10-13	J		
48.					Buy (add'l)	11-21	J		
49. Oppenheimer Gold & Prec Metals (OPSGSX)	A	Dividend	K	T	Buy	02-01	J		
50.					Sold (part)	08-25	J		
51.					Buy (add'l)	10-13	K		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

52. TCW Total Return Bond (TGLMX)	A	Dividend	L	T	Buy	12-10	L		
53. Templeton Global Bond (TGBAX)	C	Dividend	L	T	Buy	11-21	K		
54.					Buy (add'l)	10-13	K		
55.					Buy (add'l)	11-25	J		
56. Vanguard Short-Term Bond Fund (VBSSX)	B	Dividend	L	T	Buy	07-24	J		
57.					Buy (add'l)	07-28	L		
58.					Buy (add'l)	11-21	K		
59.					Buy (add'l)	11-25	J		
60. Vanguard Total Stock Market ETF (VTI)	A	Dividend	K	T	Buy	05-08	J		
61.					Buy (add'l)	07-09	J		
62.					Buy (add'l)	10-13	K		
63. American Funds American High Income Trust F1 (AHTFX)	A	Dividend			Buy	05-08	J		
64.					Sold	07-09	J		
65. American Funds Capital Income Builder F1 (CIBFX)	A	Dividend			Buy	05-08	J		
66.					Sold	07-23	J		
67. American Funds Growth Fund of America F1 (GFAFX)		None			Buy	01-15	K		
68.					Buy (add'l)	07-09	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69.					Sold (part)	07-09	K		
70.					Sold	10-08	K		
71. American Funds Income Fund of America FI (IFAFX)	C	Dividend			Buy	01-15	K		
72.					Buy (add'l)	05-08	J		
73.					Sold	10-08	K		
74. Dodge & Cox Income (DODIX)	B	Dividend			Buy	01-15	K		
75.					Buy (add'l)	05-08	J		
76.					Buy (add'l)	07-09	J		
77.					Sold	10-08	L		
78. Northern Income Equity Fund (NOIEX)	A	Dividend			Buy	05-08	J		
79.					Buy (add'l)	07-09	K		
80.					Sold	10-08	K		
81. Vanguard Inter-Term Invest Gr Bond (VFICX)	C	Dividend			Buy	01-16	K		
82.					Buy (add'l)	05-09	J		
83.					Buy (add'l)	10-13	K		
84.					Sold	12-09	L		
85. Trust #1	E	Dividend	O	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS — income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code I (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

86. -CNA Money Fund (cash account)									
87. -BlackRock Large Cap Core Fund Instl (MALRX)					Sold (part)	05-23	J	B	
88.					Sold (part)	10-06	J		
89. -BlackRock Large Cap Core Fund A (MDLRX)					Sold	05-23	K		
90. -BlackRock Equity Dividend Fd A (MDDVX)					Sold	10-06	K	E	
91. -BlackRock Global Sm Cap Fd Instl (MAGCX)									
92. -BlackRock Global Growth Instl (MAGGX)									
93. -BlackRock Equity Dividend Instl (MADVX)									
94. -BlackRock Global Allocation Instl (MALOX)					Sold (part)	05-23	J	B	
95. -BlackRock Total Return Instl (MAHQX)					Sold (part)	04-07	J		
96.					Sold (part)	05-23	L		
97.					Sold	10-06	M		
98. -BlackRock Inflation Protected Bond Inst. (BPRIX)					Buy	10-06	K		
99. -BlackRock Int Bond II Inst (PNBIX)					Buy	05-23	M		
100. -BlackRock US Opportunities Port Inst (BMCIX)					Buy	05-23	K		
101.									
102.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of Report.)*

- 1) Part VII, Line 32 - This asset was purchased on 10/17/2007--J.
- 2) Part VII, Line 33 - This asset was purchased on 10/17/2007--J.
- 3) Part VII, Line 34 - This asset was purchased on 10/17/2007--J.
- 4) Part VII, Line 35 - This asset was purchased on 10/17/2007--J.

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## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

A large black rectangular redaction box covering the signature area.

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

### FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document G

FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2009Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial) Scalia, Antonin	<b>2. Court or Organization</b> Supreme Court of the U.S.	<b>3. Date of Report</b> 05/15/2010
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Associate Justice	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination, <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b> 01/01/2009 to 12/31/2009
<b>7. Chambers or Office Address</b> Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543	<b>8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.</b>  Reviewing Officer _____ Date _____	
<b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

**I. POSITIONS.** (Reporting individual only; see pp. 9-13 of filing instructions.)☐ NONE (No reportable positions.)POSITIONNAME OF ORGANIZATION/ENTITY

1. Honorary Member	U.S. Association of Constitutional Law
2. Advisory Board Member	Temple University Law School Program in People's Republic of China
3.	
4.	
5.	

**II. AGREEMENTS.** (Reporting individual only; see pp. 14-16 of filing instructions.)☒ NONE (No reportable agreements.)DATEPARTIES AND TERMS

1.	
2.	
3.	

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

**A. Filer's Non-Investment Income**

☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2009	Duke University School of Law - Teaching	\$2,500.00
2. 2009	Penn State - Teaching	\$10,000.00
3. 2009	University of San Diego - Teaching	\$7,500.00
4. 2009	West Services, Inc. - Book advance and royalties	\$121,535.77
5. 2009	W.T. Woodson High School - Donation to charitable organization	\$250.00

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.*

*(Dollar amount not required except for honoraria.)*

☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** *- transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*

☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. American Academy in Berlin	September 19-22	Berlin, Germany	Speeches	Transportation, Food, and Lodging
2. Association of Business Trial Lawyers Los Angeles	March 10	Los Angeles, CA	Speech	Transportation, Food
3. Creighton University	November 19-20	Omaha, NE	Lecture	Transportation, Food, and Lodging
4. Duke University School of Law	January 29	Durham, NC	Teaching	Transportation, Food, and Lodging
5. Federalist Society	April 14	Albuquerque, NM	Lectures	Transportation, Food, and Lodging

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6.	Government of the Republic of Poland	September 23-24	Warsaw, Poland	Speech	Transportation, Food, and Lodging
7.	Harvard Alumni Association of Brazil	May 14-15	Brasilia, Brazil	Lectures	Transportation, Food, and Lodging
8.	Institute of American and Talmudic Law	January 28	New York, NY	Speech	Transportation, Food, and Lodging
9.	Lund University	February 12	Lund, Sweden	Lectures	Transportation, Food, and Lodging
10.	Mentor Group	September 16-18	Berlin, Germany	Speeches	Transportation, Food, and Lodging
11.	Ohio State University	November 17	Columbus, OH	Lecture	Transportation, Food, and Lodging
12.	Palm Beach County Bar Association	February 3	West Palm Beach, FL	Speech	Transportation, Food, and Lodging
13.	Penn State	July 6-16	Strasbourg, France	Teaching	Transportation, Food, and Lodging
14.	Pepperdine University	March 9	Malibu, CA	Lectures	Transportation, Food, and Lodging
15.	Safari Club International	January 24	Reno, NV	Speech	Transportation, Food, and Lodging
16.	State Bar of Texas	June 26	Dallas, TX	Speech	Transportation, Food, and Lodging
17.	Town Hall Los Angeles	March 9	Los Angeles, CA	Speech	Transportation, Food
18.	Union League of Philadelphia	October 7	Philadelphia, PA	Speech	Transportation, Food, and Lodging
19.	University of Arizona	October 26	Tucson, AZ	Lectures	Transportation, Food, and Lodging
20.	University of Copenhagen	February 16	Copenhagen, Denmark	Lecture	Transportation, Food, and Lodging
21.	University of San Diego	September 1-2	San Diego, CA	Teaching	Transportation, Food, and Lodging
22.	William Carey University	April 6	Hattiesburg, MS	Lecture	Transportation, Food



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**V. GIFTS.** (Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)

☐ NONE (No reportable gifts.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Bryan A. Garner	Dictionaries	\$950.00
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)

☐ NONE (No reportable liabilities.)

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	NW Mutual Life Insurance Company	Loan on insurance	J
2.			
3.			
4.			
5.			

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**VII. INVESTMENTS and TRUSTS** — income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code I (A-I)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-I)	(5) Identity of buyer/seller (if private transaction)
1. TIAA-CREF	C	Interest	L	T					
2. Chevy Chase Bank Account	A	Interest	M	T					
3. American Funds Washington Mutual Investors Fund A (AWSHX)		None			Sold	02/06/09	J		
4. American Funds American Mutual Fund A (AMRMX)		None			Sold	02/06/09	J		
5. Loomis Sayles Invest Grade Bond Fund (LSIIX)	B	Dividend			Sold (part)	04/08/09	K		
6.					Sold	04/23/09	L		
7. Vanguard Inflation Protected Securities Fund (VIPSX)	B	Dividend	M	T	Sold (part)	04/23/09	K	A	
8.					Buy (add'l)	08/11/09	J		
9. Schwab Adv Cash Reserves (Money Market Fund)	A	Dividend	M	T					
10. American Funds Bond Fund of America 529FI (CFAFX)	A	Dividend	J	T					
11. American Funds Capital World Growth & Income 529FI (CWIFX)	A	Dividend	J	T					
12. American Funds Growth Fund of America 529FI (CGFFX)	A	Dividend	J	T					
13. American Funds Income Fund of America 529FI (CIMFX)	A	Dividend	J	T					
14. Calvert Global Alt Energy I (CAEIX)		None	K	T	Sold (part)	08/11/09	J		
15. CGM Realty Fund (CGMRX)		None			Sold	04/23/09	J		
16. Federated Prudent Bear Fund A (BEARX)		None			Sold (part)	02/18/09	K	A	
17.					Sold (part)	03/04/09	K		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 J12 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
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3. Value Method Codes (See Column C2)					

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## VII. INVESTMENTS and TRUSTS – Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-I)	(5) Identity of buyer/seller (if private transaction)
18.					Sold (part)	03/12/09	J		
19.					Sold (part)	03/20/09	K		
20.					Sold	04/06/09	K		
21. Harbor Bond Fund Inst (HABDX)	C	Dividend	L	T	Sold (part)	04/08/09	K		
22.					Buy (add'l)	04/23/09	J		
23.					Sold (part)	08/11/09	K	B	
24.					Buy (add'l)	09/28/09	K		
25. Ivy Science & Technology (ISTIX)		None	K	T	Buy (add'l)	02/10/09	J		
26.					Sold (part)	04/23/09	J		
27. Keeley Small Cap Value (KSCIX)	A	Dividend	K	T	Sold (part)	08/11/09	J	A	
28. Oppenheimer Gold & Prec Metals (OPGSX)	A	Dividend	K	T	Sold (part)	04/23/09	J	B	
29.					Sold (part)	08/11/09	J	A	
30. TCW Total Return Bond (TGLMX)	D	Dividend			Buy (add'l)	02/10/09	J		
31.					Sold (part)	04/08/09	K		
32.					Buy (add'l)	04/23/09	J		
33.					Sold (part)	08/11/09	J	B	
34.					Buy (add'l)	09/28/09	K		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 I12 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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Name of Person Reporting

Scalia, Antonin

Date of Report

05/15/2010

## VII. INVESTMENTS and TRUSTS — income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-I)	(5) Identity of buyer/seller (if private transaction)
35.					Sold	12/09/09	L	D	
36. Templeton Global Bond (TGBAX)	B	Dividend	K	T	Sold (part)	04/08/09	K	A	
37.					Sold (part)	04/23/09	K	A	
38. Vanguard Short-Term Bond Fund (VBSSX)	B	Dividend	L	T	Sold (part)	04/08/09	K	A	
39.					Buy (add'l)	09/29/09	K		
40. Vanguard Total Stock Market ETF (VTI)	A	Dividend	K	T	Buy (add'l)	04/23/09	K		
41.					Sold (part)	08/11/09	J		
42.					Sold (part)	08/26/09	K		
43. American Funds EuroPacific Growth F (AEGFX)		None			Buy	08/11/09	K		
44.					Sold	09/28/09	K	B	
45. Berkshire Hathaway Class B common shares (BRKB)		None	K	T	Buy	04/23/09	K		
46. ING Fixed Index Annuity		None	M	T	Buy	04/17/09	M		
47. PIMCO Stocks Plus Short Strategy (PSTIX)		None	K	T	Buy	11/10/09	K		
48. SPDR Gold Trust ETF (GLD)		None	L	T	Buy	08/11/09	J		
49.					Buy (add'l)	08/26/09	K		
50.					Sold (part)	09/28/09	J	A	
51.					Buy (add'l)	12/02/09	L		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 I12 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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Scalia, Antonin

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**VII. INVESTMENTS and TRUSTS** – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-I)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-I)	(5) Identity of buyer/seller (if private transaction)
52. Wells Fargo High Yield Bond (SHYYX)	B	Dividend	K	T	Buy	04/23/09	K		
53. Vanguard Emerging Market ETF (VWO)		None			Buy	08/11/09	K		
54.					Sold	09/28/09	K	B	
55. Vanguard Energy ETF (VDE)	A	Dividend	K	T	Buy	04/23/09	J		
56.					Buy (add'l)	08/11/09	J		
57.					Sold (part)	09/28/09	J	C	
58. Vanguard Mid Cap ETF (VO)	A	Dividend	K	T	Buy	04/09/09	K		
59.					Buy (add'l)	04/23/09	J		
60. Trust#1	D	Dividend	O	T					
61. -CMA Money Fund (cash account)									
62. -BlackRock Large Cap Core Fund Instl (MALRX)					Sold (part)	01/06/09	J	A	
63.					Buy (add'l)	04/24/09	J		
64.					Sold (part)	12/30/09	J	A	
65. -BlackRock Global Sm Cap Fd Instl (MAGCX)					Sold (part)	01/06/09	J		
66.					Buy (add'l)	04/24/09	J		
67.					Sold (part)	12/30/09	J		
68. -BlackRock Global Growth Instl (MAGGX)					Sold (part)	01/06/09	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$5,001 - \$15,000	D = \$15,001 - \$50,000 I = \$50,001 - \$100,000	E = \$100,001 - \$250,000 F = \$250,001 - \$500,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$250,001 - \$500,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-II)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-II)	(5) Identity of buyer/seller (if private transaction)
69.					Sold	04/24/09	L		
70. -BlackRock Equity Dividend Instl (MADVX)					Buy (add'l)	01/06/09	J		
71.					Buy (add'l)	04/24/09	J		
72.					Sold (part)	12/30/09	J		
73. -BlackRock Global Allocation Instl (MALOX)					Sold (part)	01/06/09	K	C	
74.					Sold (part)	04/24/09	J	A	
75.					Sold (part)	12/30/09	J	C	
76. -BlackRock Inflation Protected Bond Inst (BPRIX)					Buy (add'l)	01/06/09	J		
77.					Sold (part)	04/24/09	J	A	
78.					Sold (part)	12/30/09	J	A	
79. -BlackRock Bond Port Inst (PNBIX)					Buy (add'l)	01/06/09	J		
80.					Sold (part)	04/24/09	K		
81.					Sold (part)	12/30/09	J		
82. -BlackRock US Opportunities Port Inst (BMCIX)					Sold (part)	01/06/09	J		
83.					Sold (part)	02/30/09	J		
84.					Buy (add'l)	04/24/09	J		
85. -BlackRock Fundamental Growth Instl (MAFGX)					Buy	04/24/09	L		

### 1. Income Gain Codes:

(See Columns B1 and D4)

### 2. Value Codes

(See Columns C1 and D3)

### 3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

I12 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

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Name of Person Reporting  
Scalia, Antonin

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**VII. INVESTMENTS and TRUSTS** — income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
86.					Sold (part)	12/30/09	J	B	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
	U = Book Value	V = Other	W = Estimated		

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<b>Name of Person Reporting</b> Scalia, Antonin	<b>Date of Report</b> 05/15/2010
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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of Report.)*



**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Scalia, Antonin

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**IX. CERTIFICATION.**

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

**FILING INSTRUCTIONS**

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document H

FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2010

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Scalia, Antonin	2. Court or Organization Supreme Court of the U.S.	3. Date of Report 5/13/2011
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Associate Justice	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination, <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2010 to 12/31/2010
7. Chambers or Office Address Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.  Reviewing Officer _____ Date _____	
<b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

**I. POSITIONS.** (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Honorary Member	U.S. Association of Constitutional Law
2. Advisory Board Member	Temple University Law School Program in People's Republic of China
3.	
4.	
5.	

**II. AGREEMENTS.** (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

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**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of filing instructions.)**A. Filer's Non-Investment Income**☐ NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2010	Colgate University - Donation to charitable organization	\$1,000.00
2. 2010	DePaul University - Teaching	\$4,000.00
3. 2010	Loyola University Chicago - Teaching	\$10,000.00
4. 2010	University of California Hastings College of Law - Teaching	\$8,000.00
5. 2010	University of Richmond - Teaching	\$2,500.00
6. 2010	West Services, Inc. - Book royalties	\$37,797.19

**B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.**

(Dollar amount not required except for honoraria.)

☒ NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE (No reportable reimbursements.)

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. American Bar Association	February 9-10	Sydney, Australia	Speech & Moot Court	Transportation, Food, and Lodging
2. DePaul University	September 22	Chicago, IL	Teaching	Transportation, Food, and Lodging
3. Florida State University	April 8	Tallahassee, FL	Lecture	Transportation, Food, and Lodging
4. Garner, Bryan A.	August 7-9	Newport, RI	Personal	Transportation, Food, and Lodging
5. Loyola University Chicago	July 5-15	Rome, Italy	Teaching	Transportation, Food, and Lodging

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6.	Marquette University	September 8	Milwaukee, WI	Lecture	Transportation, Food, and Lodging
7.	Mississippi College	January 4	Clinton, MS	Lecture	Transportation, Food, and Lodging
8.	Montana State University	July 28	Bozeman, MT	Lecture	Transportation, Food
9.	New-York Historical Society	February 4	New York, NY	Speech	Transportation, Food
10.	St. Thomas More Society of Northern Wisconsin	October 28	Green Bay, WI	Speech	Transportation, Food
11.	Texas Tech University	November 12-15	Lubbock, TX	Lectures	Transportation, Food, and Lodging
12.	University of California Hastings College of Law	September 17	San Francisco, CA	Teaching	Transportation, Food, and Lodging
13.	University of Texas	April 24	Austin, TX	Lectures	Transportation, Food, and Lodging
14.	University of Virginia	April 16	Charlottesville, VA	Lecture	Food, Lodging

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☒ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		
2.		
3.		
4.		
5.		

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. NW Mutual Life Insurance Company	Loan on insurance	J
2.		
3.		
4.		
5.		

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. TIAA-CREF	C	Interest	L	T					
2. Chevy Chase Bank	A	Interest	L	T					
3. Vanguard Inflation Protected Securities Fund (VIPSX)	C	Dividend	M	T					
4. Schwab Adv Cash Reserves (Money Market Fund)	A	Dividend	L	T					
5. American Funds Bond Fund of America 529F1 (CFAFX)	A	Dividend	J	T					
6. American Funds Capital World Growth & Income 529F1 (CWIFX)	A	Dividend	J	T					
7. American Funds Growth Fund of America 529F1 (CGFFX)	A	Dividend	J	T					
8. American Funds Income Fund of America 529F1 (CIMFX)	A	Dividend	J	T					
9. Calvert Global Alt Energy (CAEIX)		None	K	T	Buy (add'l)	10/28/10	K		
10. Harbor Bond Fund Inst (HABDX)	D	Dividend	L	T					
11. Ivy Science & Technology (ISTIX)	A	Dividend	K	T					
12. Keeley Small Cap Value (KSCIX)		None	K	T	Buy (add'l)	10/28/10	K		
13. Oppenheimer Gold & Prec Metals (OPGSX)	C	Dividend	K	T					
14. Templeton Global Bond (TGBAX)	B	Dividend	K	T					
15. Vanguard Short-Term Bond Fund (VBSSX)	B	Dividend	L	T					
16. Vanguard Total Stock Market ETF (VTI)	A	Dividend	K	T					
17. Berkshire Hathaway Class B common shares (BRKB)		None	K	T					

1. Income Gain Codes:  
(See Columns B1 and D4)

A = \$1,000 or less  
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500  
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000  
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000  
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes  
(See Columns C1 and D3)

J = \$15,000 or less  
N = \$250,001 - \$500,000  
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000  
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000  
P1 = \$1,000,001 - \$5,000,000  
P4 = More than \$50,000,000

M = \$100,001 - \$250,000  
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes  
(See Column C2)

Q = Appraisal  
U = Book Value

R = Cost (Real Estate Only)  
V = Other

S = Assessment  
W = Estimated

T = Cash Market

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. ING Fixed Index Annuity	E	Dividend	N	T					
19. PIMCO Stocks Plus Short Strategy (PSTIX)	A	Dividend			Sold	08/06/10	K	A	
20. SPDR Gold Trust ETF (GLD)		None	K	T	Sold (part)	10/20/10	K	B	
21. Wells Fargo High Yield Bond (SHYYX)	C	Dividend	K	T					
22. Vanguard Energy ETF	A	Dividend	K	T					
23. Vanguard Mid Cap ETF (VO)	A	Dividend	K	T					
24. Dodge & Cox International Stock (DODFX)	A	Dividend	K	T	Buy	10/28/10	K		
25. Fidelity Floating Rate High Yield Bond Fund (FFRHX)	A	Dividend	K	T	Buy	09/17/10	K		
26.									
27. Trust #1	D	Dividend	O	T					
28. -BIF Money Fund (cash account)									
29. -BlackRock Large Cap Core Fund Instl (MALRX)					Sold (part)	06/09/10	J	A	
30. -BlackRock Global Sm Cap Fund Instl (MAGCX)					Sold (part)	06/09/10	J		
31.					Sold (part)	12/23/10	J	A	
32. -BlackRock Equity Dividend Instl (MADVX)					Sold (part)	06/09/10	K		
33.					Sold (part)	12/23/10	J	A	
34. -BlackRock Global Allocation instl (MALOX)					Buy (add'l)	06/09/10	J		

1. Income Gain Codes:  
(See Columns B1 and D4)

A = \$1,000 or less  
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500  
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000  
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000  
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes  
(See Columns C1 and D3)

J = \$15,000 or less  
N = \$250,001 - \$500,000  
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000  
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000  
P1 = \$1,000,001 - \$5,000,000  
P4 = More than \$50,000,000

M = \$100,001 - \$250,000  
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes  
(See Column C2)

Q = Appraisal  
U = Book Value

R = Cost (Real Estate Only)  
V = Other

S = Assessment  
W = Estimated

T = Cash Market



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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. -BlackRock Inflation Protected Bond Instl (BPRIX)					Sold	06/09/10	K	B	
36. -BlackRock Bond Port Instl (PNBIX)					Buy (add'l)	06/09/10	J		
37. -BlackRock US Opportunities Port Instl (BMCIX)					Sold	06/09/10	K		
38. -BlackRock Capital Appreciation Fund Inc Instl (MAFGX)					Sold (part)	06/09/10	J	A	
39.					Sold (part)	12/23/10	J	C	
40. -BlackRock Low Duration Bond Instl (BFMSX)					Buy	06/09/10	K		
41. -BlackRock Intl Opp Port instl (BISIX)					Buy	06/09/10	K		
42.					Sold (part)	12/23/10	J	A	
43. -BlackRock Mid Cap Value Equity Instl (CMVIX)					Buy	06/09/10	K		
44.					Sold (part)	12/23/10	J	A	
45. Trust #2 (X)	B	Dividend	M	T					
46. -Schwab Adv Cash Reserves (Money Market Fund)									
47. -American Funds Capital World Growth & Income F (CWGFX)					Buy	11/04/10	J		
48. -American Funds EuroPacific Growth F (AEGFX)					Buy	11/04/10	J		
49. -Berkshire Hathaway Class B common shares (BRKB)					Buy	11/04/10	J		
50. -Calvert Global Alt Energy (CAEIX)					Buy	11/04/10	J		
51. -CGM Realty (CGMRX)					Buy	11/04/10	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. -Dodge & Cox International Stock (DODFX)					Buy	11/04/10	J		
53. -EGA Brazil Infrastructure ETF (BRXX)					Buy	11/04/10	J		
54. -Fidelity Floating Rate High Yield Bond Fund (FFRHX)					Buy	11/04/10	J		
55. -Harbor Bond Fund Inst (HABDX)					Buy	11/04/10	J		
56. -Ivy Science & Technology (ISTIX)					Buy	11/04/10	J		
57. -Keeley Small Cap Value (KSCIX)					Buy	11/04/10	J		
58. -Oppenheimer Gold & Prec Metals (OPGSX)					Buy	11/04/10	J		
59. -SPDR Gold Trust ETF (GLD)					Buy	11/04/10	K		
60. -Templeton Global Bond (TGBAX)					Buy	11/04/10	J		
61. -Vanguard Emerging Market ETF (VWO)					Buy	11/04/10	J		
62. -Vanguard Energy ETF					Buy	11/04/10	J		
63. -Vanguard Inflation Protected Securities Fund (VIPSX)					Buy	11/04/10	J		
64. -Vanguard Mid Cap ETF (VO)					Buy	11/04/10	J		
65. -Vanguard Short-Term Bond Fund (VBSSX)					Buy	11/04/10	J		
66. -Vanguard Total Stock Market ETF (VTI)					Buy	11/04/10	J		
67. -Wells Fargo High Yield Bond (SHYYX)					Buy	11/04/10	J		

1. Income Gain Codes:  
(See Columns B1 and D4)

A = \$1,000 or less  
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500  
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000  
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000

E = \$15,001 - \$50,000

2. Value Codes  
(See Columns C1 and D3)

J = \$15,000 or less  
N = \$250,001 - \$500,000  
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000  
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000  
P1 = \$1,000,001 - \$5,000,000  
P4 = More than \$50,000,000

H2 = More than \$5,000,000  
M = \$100,001 - \$250,000  
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes  
(See Column C2)

Q = Appraisal  
U = Book Value

R = Cost (Real Estate Only)  
V = Other

S = Assessment  
W = Estimated

T = Cash Market

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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

- 1) Part VII, Line 28 - Money market vehicle was switched from CMA Money Fund to BIF Money Fund by financial institution.
- 2) Part VII, Line 38 - This asset was formerly known as BlackRock Fundamental Growth Instl.

## FINANCIAL DISCLOSURE REPORT

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### IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ Antonin Scalia**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document I

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2012

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial)  Scalia, Antonin	<b>2. Court or Organization</b>  Supreme Court of the U.S.	<b>3. Date of Report</b>  05/15/2013
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Associate Justice	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  1/1/2012 to 12/31/2012
<b>7. Chambers or Office Address</b>  Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543		
<p align="center"><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Advisory Board Member	Temple University Law School Program in People's Republic of China
2.	
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2012	Colgate University - Donation to charitable organization	\$1,000.00
2. 2012	John Marshall Law School - Teaching	\$5,000.00
3. 2012	St. John's University - Teaching	\$4,500.00
4. 2012	St. Mary's University - Teaching	\$10,000.00
5. 2012	University of Southern California - Teaching	\$2,000.00
6. 2012	Wesleyan University - Teaching	\$5,000.00
7. 2012	West Services Inc. - Book royalties	\$63,991.96

**B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.***(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. American Bar Association	February 4	New Orleans, LA	Speech	Transportation, Food, and Lodging
2. American Society of the Italian Legions of Merit	December 7	New York, NY	Speech	Transportation, Food, and Lodging
3. Appellate Judges Educational Institute	November 16	New Orleans, LA	Speech	Transportation, Food, and Lodging

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4.	Association of Business Trial Lawyers	September 6	Los Angeles, CA	Speech	Transportation, Food, and Lodging
5.	Archdiocese of Denver	March 3	Denver, CO	Speech	Transportation, Food, and Lodging
6.	Christopher Newport University	October 18	Newport News, VA	Lectures	Transportation, Food
7.	Commercial Club of Chicago	October 16	Chicago, IL	Speech	Transportation, Food, and Lodging
8.	Federalist Society	September 7	San Diego, CA	Speech	Transportation, Food, and Lodging
9.	Federalist Society	September 27	Chicago, IL	Speech	Lodging
10.	Federalist Society	October 15	Philadelphia, PA	Speech	Transportation, Food, and Lodging
11.	Federalist Society	October 19	San Francisco, CA	Speech	Transportation, Food
12.	Federalist Society	October 25	Laramie, WY	Lectures	Transportation, Food
13.	Friends of Abe	August 25	Simi Valley, CA	Speech	Transportation, Food, and Lodging
14.	Gatestone Institute	September 27	New York, NY	Speech	Transportation, Food
15.	John Marshall Law School	September 28	Chicago, IL	Teaching	Transportation, Food, and Lodging
16.	National Wild Turkey Federation	February 11	Nashville, TN	Speech	Transportation, Food, and Lodging
17.	Princeton University	December 10	Princeton, NJ	Lecture	Transportation, Food
18.	Rensselaer Polytechnic Institute	May 25-26	Troy, NY	Lectures	Transportation, Food, and Lodging
19.	St. John's University	April 2-3	Queens, NY	Teaching	Transportation, Food
20.	St. Mary's University	July 2-12	Innsbruck, Austria	Teaching	Transportation, Food, and Lodging
21.	St. Thomas More Society of Las Vegas	September 5	Las Vegas, NV	Speeches	Transportation, Food, and Lodging
22.	South Carolina Bar Association	January 21	Columbia, SC	Speech	Transportation, Food, and Lodging
23.	Thomson Reuters	September 17	New York, NY	Speech	Transportation, Food, and Lodging
24.	University of Chicago	February 13-14	Chicago, IL	Lectures	Transportation, Food, and Lodging
25.	University of Southern California	April 10	Los Angeles, CA	Teaching	Transportation, Food, and Lodging
26.	University of Southern Mississippi	April 4	Hattiesburg, MS	Lecture	Transportation
27.	Wesleyan University	March 8	Middletown, CT	Teaching	Transportation, Food, and Lodging
28.	William & Mary	September 10	Williamsburg, VA	Lecture	Food, Lodging



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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	National Wild Turkey Federation	Shotgun	\$1,000.00
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	NW Mutual Life Insurance Company	Loan on insurance	J
2.			
3.			
4.			
5.			

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. TIAA-CREF	B	Interest	K	T					
2. Capital One Bank	A	Interest	L	T					
3. Vanguard Inflation Protected Securities Fund (VIPSX)	A	Dividend			Buy (add'l)	04/20/12	J		
4.					Sold	07/12/12	M	E	
5. American Funds Growth Fund of America 529F1 (CGFFX)	A	Dividend	L	T	Buy (add'l)	09/27/12	K		
6. Harbor Bond Fund Inst (HABDX)	B	Dividend	K	T	Sold (part)	12/03/12	K	B	
7. Ivy Science & Technology (ISTIX)		None	K	T	Sold (part)	12/03/12	K	D	
8. Oppenheimer Gold & Prec Metals (OPGSX)		None	K	T	Buy (add'l)	12/03/12	K		
9. Templeton Global Bond (TGBAX)	C	Dividend	L	T	Sold (part)	12/03/12	J	B	
10. Vanguard Short-Term Bond Fund (VBSSX)	B	Dividend	M	T	Buy (add'l)	12/03/12	J		
11. Vanguard Total Stock Market ETF (VTI)	B	Dividend	L	T	Buy (add'l)	01/04/12	K		
12.					Buy (add'l)	04/20/12	J		
13.					Sold (part)	12/03/12	K	C	
14. Berkshire Hathaway Class B common shares (BRKB)		None	K	T	Sold (part)	12/03/12	J	C	
15. ING Fixed Index Annuity	D	Dividend	N	T					
16. PIMCO Stocks Plus Short Strategy (PSTIX)		None			Sold	01/03/12	K	A	
17. SPDR Gold Trust ETF (GLD)		None	L	T	Buy (add'l)	03/23/12	K		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. Wells Fargo High Yield Bond (SHYYX)	C	Dividend	L	T	Buy (add'l)	12/03/12	K		
19. Vanguard Energy ETF (VDE)	A	Dividend	K	T					
20. Vanguard Mid Cap ETF (VO)	A	Dividend	K	T	Buy (add'l)	01/04/12	J		
21.					Buy (add'l)	03/23/12	J		
22.					Buy (add'l)	04/20/12	J		
23.					Sold (part)	12/03/12	K	B	
24. Dodge & Cox International Stock (DODFX)		None			Sold	02/24/12	K	A	
25. Fidelity Floating Rate High Yield Bond Fund (FFRHX)	B	Dividend	L	T	Buy (add'l)	04/20/12	J		
26.					Sold (part)	12/03/12	J	A	
27. American Funds AMCAP 529F1 (CAFFX)	A	Dividend	J	T	Buy (add'l)	09/27/12	J		
28. American Funds Capital World Bond 529F1 (CCWEX)	A	Dividend	J	T					
29. American Funds EuroPacific Gr 529F1 (CEUFX)	A	Dividend	J	T	Buy (add'l)	09/27/12	J		
30. American Funds Interm Bond Fund 529F1 (CBOFX)	A	Dividend	J	T	Buy (add'l)	09/27/12	J		
31. American Funds Money Mkt Fund 529F1 (FARXX)		None			Sold	09/27/12	J	A	
32. American Funds Sh-Tm Bond Fd 529F1 (CFAMX)	A	Dividend	J	T	Buy (add'l)	09/27/12	J		
33. American Funds US Govt Sec 529F1 (CGTFX)	A	Dividend	J	T					
34. American Funds Wash Mutual 529F1 (CWMFX)	A	Dividend	J	T	Buy (add'l)	09/27/12	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. Federated Prudent Bear Fund A (BEARX)		None			Sold	01/03/12	J	A	
36. Charles Schwab Cash Sweep Account	A	Interest	L	T					
37. Vanguard MSCI Emerging Markets ETF (VWO)	A	Dividend	J	T	Buy (add'l)	12/03/12	J		
38. Rental Property, Charlottesville, VA (2008 \$165,000)	D	Rent	M	R					
39. Eagle MLP Strategy I (EGLIX)		None	K	T	Buy	12/03/12	K		
40. ELEMENTS Rogers Intl Commodity Agri ETN (RJA)		None	K	T	Buy	12/03/12	K		
41. ING Real Estate Instl (CRARX)	A	Dividend	K	T	Buy	12/03/12	K		
42. Tweedy, Browne Global Value (TBGVX)	A	Dividend	K	T	Buy	02/27/12	K		
43. Vanguard Small Cap ETF (VB)	A	Dividend	K	T	Buy	03/23/12	J		
44.					Buy (add'l)	04/20/12	J		
45.					Buy (add'l)	12/03/12	J		
46. Vanguard Inflation Protected Securities Fund (VAIPX)	B	Dividend	M	T	Buy	07/12/12	M		
47.					Sold (part)	12/3/12	K	C	
48. Trust #1	D	Dividend	O	T					
49. -BIF Money Fund (cash account)									
50. -BlackRock Large Cap Core Fund Instl (MALRX)					Sold (part)	01/06/12	J	A	
51.					Buy (add'l)	12/20/12	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	P4 = More than \$50,000,000 S = Assessment W = Estimated	T = Cash Market	



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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52.					Sold (part)	12/26/12	J	B	
53. -BlackRock Global Sm Cap Fund Instl (MAGCX)					Sold (part)	01/06/12	J	A	
54.					Sold (part)	12/20/12	J	A	
55.					Sold (part)	12/26/12	J	A	
56. -BlackRock Equity Dividend Instl (MADVX)					Sold (part)	01/06/12	J	B	
57.					Buy (add'l)	12/20/12	J		
58.					Sold (part)	12/26/12	J	B	
59. -BlackRock Global Allocation instl (MALOX)					Sold (part)	01/06/12	J	A	
60.					Sold (part)	12/20/12	J	B	
61.					Sold (part)	12/26/12	J	B	
62. -BlackRock Core Bond Port Instl (BFMCX)					Sold (part)	01/06/12	J	B	
63.					Buy (add'l)	12/20/12	J		
64.					Sold (part)	12/26/12	J	A	
65. -BlackRock Capital Appreciation Fund Inc Instl (MAFGX)					Sold (part)	01/06/12	J	B	
66.					Sold (part)	12/20/12	K	D	
67.					Sold (part)	12/26/12	J	B	
68. -BlackRock Inflation Protected Bond Inst (BPRIX)					Sold (part)	01/06/12	J	A	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69.					Buy (add'l)	12/20/12	J		
70.					Sold (part)	12/26/12	J	A	
71. -BlackRock Strategic Income Opps Inst (BSIIX)					Sold (part)	01/06/12	J	A	
72.					Buy (add'l)	12/20/12	J		
73.					Sold (part)	12/26/12	J	A	
74. -BlackRock Global Dividend Inc Portfolio Inst (BIBDX)					Sold (part)	01/06/12	J	A	
75.					Sold (part)	12/20/12	J	A	
76.					Sold (part)	12/26/12	J	A	
77. -BlackRock Mid CapValue Opps Inst (MARFX)					Sold (part)	01/06/12	J	A	
78.					Sold (part)	12/20/12	J	A	
79.					Sold (part)	12/26/12	J	A	
80. -BlackRock Large Cap Growth Fund Instl (MALHX)					Buy	12/20/12	K		
81.					Sold (part)	12/26/12	J	A	
82. Trust #2	D	Dividend	N	T					
83. -Schwab Adv Cash Reserves (Money Market Fund)									
84. -American Funds EuroPacific Growth F (AEGFX)									
85. -Berkshire Hathaway Class B common shares (BRKB)					Sold (part)	10/08/12	J	A	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
86. -CGM Realty (CGMRX)					Sold	02/24/12	J	A	
87. -Dodge & Cox International Stock (DODFX)					Sold	02/24/12	J	A	
88. -Fidelity Floating Rate High Yield Bond Fund (FFRHX)									
89. -Harbor Bond Fund Inst (HABDX)					Sold (part)	12/3/12	J	A	
90. -Ivy Science & Technology (ISTIX)					Sold (part)	10/08/12	J	A	
91. -Oppenheimer Gold & Prec Metals (OPGSX)					Buy (add'l)	10/08/12	J		
92. -Templeton Global Bond (TGBAX)					Sold (part)	10/08/12	J	A	
93. -Vanguard Emerging Market ETF (VWO)					Buy (add'l)	10/08/12	J		
94. -Vanguard Energy ETF (VDE)					Sold (part)	10/08/12	J	A	
95. -Vanguard Inflation Protected Securities Fund (VIPSX)					Sold	07/12/12	K	D	
96. -Vanguard Mid Cap ETF (VO)					Buy (add'l)	01/04/12	J		
97.					Sold (part)	10/08/12	J	A	
98. -Vanguard Short-Term Bond Fund (VBSSX)					Buy (add'l)	10/08/12	K		
99. -Vanguard Total Stock Market ETF (VTI)					Buy (add'l)	01/04/12	J		
100.					Sold (part)	10/08/12	J	A	
101. -Wells Fargo High Yield Bond (SHYYX)					Buy	10/08/12	J		
102. -Elements Rogers Agri Commodity ETF (RJA)					Buy (add'l)	10/08/12	J		

1. Income Gain Codes: (See Columns B1 and D4)	A ~\$1,000 or less F ~\$50,001 - \$100,000	B ~\$1,001 - \$2,500 G ~\$100,001 - \$1,000,000	C ~\$2,501 - \$5,000 H1 ~\$1,000,001 - \$5,000,000	D ~\$5,001 - \$15,000 H2 ~More than \$5,000,000	E ~\$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J ~\$15,000 or less N ~\$250,001 - \$500,000 P3 ~\$25,000,001 - \$50,000,000	K ~\$15,001 - \$50,000 O ~\$500,001 - \$1,000,000	L ~\$50,001 - \$100,000 P1 ~\$1,000,001 - \$5,000,000 P4 ~More than \$50,000,000	M ~\$100,001 - \$250,000 P2 ~\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q ~Appraisal U ~Book Value	R ~Cost (Real Estate Only) V ~Other	S ~Assessment W ~Estimated	T ~Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
103. -Federated Prudent Bear Fund (BEARX)					Sold	01/03/12	J	A	
104. -PIMCO Stocks Plus Short Strategy (PSTIX)					Sold	01/03/12	J	A	
105. -c5 SL I Limited Partnership									
106. -Eagle MLP Strategy I (EGLIX)					Buy	12/3/12	J		
107. -ING Real Estate Instl (CRARX)					Buy	03/02/12	J		
108.					Buy (add'l)	10/08/12	J		
109. -SPDR Gold Shares (GLD)					Buy	03/23/12	K		
110. -Tweedy, Browne Global Value (TBGVX)					Buy	02/27/12	J		
111. -Vanguard Small Cap ETF (VB)					Buy	10/08/12	J		
112. -Vanguard Inflation Protected Securities Fund Adm Sh(VAIPX)					Buy	07/12/12	K		
113.					Sold (part)	10/08/12	J	A	
114.									
115.									

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		



**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

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## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Antonin Scalia

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document J

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2013

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial)  Scalia, Antonin	<b>2. Court or Organization</b>  Supreme Court of the U.S.	<b>3. Date of Report</b>  05/15/2014
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Associate Justice	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  1/1/2013 to 12/31/2013
<b>7. Chambers or Office Address</b>  Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543		
<p align="center"><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Advisory Board Member	Temple University Law School Program in People's Republic of China
2.	
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2013	Colgate University - Donation to charitable organization	\$1,000.00
2. 2013	Duke University - Teaching	\$6,000.00
3. 2013	Pennsylvania State University - Teaching	\$5,000.00
4. 2013	Southern Methodist University - Teaching	\$10,000.00
5. 2013	Tufts University - Teaching	\$5,500.00
6. 2013	West Services Inc. - Book royalties	\$76,913.38

**B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.***(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. American College of Trial Lawyers	March 2	Naples, FL	Speech	Transportation, Food
2. Association of American Law Schools	January 5	New Orleans, LA	Speech	Transportation, Food
3. Association of Business Trial Lawyers	August 20	San Francisco, CA	Speech	Transportation, Food, and Lodging

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4.	Association of Business Trial Lawyers	August 21	San Diego, CA	Speech	Transportation
5.	Brooklyn Bar Association	September 23	New York, NY	Speech	Transportation, Food, and Lodging
6.	Cardozo School of Law	October 16	New York, NY	Lecture	Transportation, Food, and Lodging
7.	Duke University	June 11	Durham, NC	Teaching	Transportation, Food, and Lodging
8.	Federalist Society	August 19	Bozeman, MT	Speech	Transportation, Food
9.	Federalist Society	August 22-23	Park City, UT	CLE Course	Transportation, Food, and Lodging
10.	Federalist Society	October 11	Baton Rouge, LA	Speech	Transportation, Food
11.	First Baptist Jackson	January 25	Jackson, MS	Speech	Transportation, Food
12.	Holy Name Society	April 14	New York, NY	Speech	Transportation, Food, and Lodging
13.	Istituto Bruno Leoni	May 24-27	Turin, Italy	Speech	Transportation, Food, and Lodging
14.	John's Island Club	April 2	Vero Beach, FL	Speech	Transportation, Food
15.	Lawyer's Club of Chicago	April 9	Chicago, IL	Speech	Transportation, Food
16.	Mark Lanier	September 6	Houston, TX	Speech	Transportation, Food, and Lodging
17.	Mentor Group	September 11-13	Berlin, Germany	Speeches	Transportation, Food, and Lodging
18.	North Carolina Bar Association	June 20-21	Ashville, NC	Speech	Transportation, Food, and Lodging
19.	Pennsylvania State University	July 1-11	Florence, Italy	Teaching	Transportation, Food, and Lodging
20.	Southern Methodist University	January 28-29	Dallas, TX	Teaching	Transportation, Food
21.	Supreme Court Historical Society	March 13	New York, NY	Dinner	Transportation, Food, and Lodging
22.	Supreme Court of Texas	November 11	Austin, TX	Speech	Transportation, Food, and Lodging
23.	Tufts University	October 2	Medford, MA	Teaching	Transportation, Food, and Lodging
24.	University of Memphis	December 16	Memphis, TN	Lectures	Transportation, Food
25.	University of New Hampshire	March 22	Concord, NH	Lecture	Transportation, Food
26.	Universidad Peruana de Ciencias Aplicadas	March 6-11	Lima, Peru	Lectures	Transportation, Food, and Lodging
27.	Utah State Bar	July 20	Snowmass, CO	Speech	Transportation, Food, and Lodging
28.	Yeshiva University	November 6	New York, NY	Speech	Transportation, Food, and Lodging

**FINANCIAL DISCLOSURE REPORT**

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.			
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	NW Mutual Life Insurance Company	Loan on insurance	J
2.			
3.			
4.			
5.			

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. TIAA-CREF	A	Interest	K	T	Sold (part)	08/01/13	K	A	
2. Capital One Bank	A	Interest	K	T					
3. American Funds Growth Fund of America 529F1 (CGFFX)	D	Distribution	M	T	Buy (add'l)	11/11/13	K		
4. Harbor Bond Fund Inst (HABDX)	A	Dividend	J	T	Buy (add'l)	02/13/13	J		
5.					Sold (part)	10/03/13	K	B	
6. Ivy Science & Technology (ISTIX)		None	J	T	Sold (part)	02/13/13	J	C	
7.					Buy (add'l)	02/13/13	J		
8.					Sold (part)	09/18/13	J	A	
9.					Sold (part)	10/03/13	K	E	
10. Oppenheimer Gold & Prec Metals (OPGSX)		None			Buy (add'l)	02/13/13	J		
11.					Sold (part)	05/03/13	J	A	
12.					Sold	06/24/13	J	A	
13. Templeton Global Bond (TGBAX)	B	Dividend	J	T	Sold (part)	02/13/13	J	A	
14.					Buy (add'l)	02/13/13	J		
15.					Sold (part)	10/03/13	L	D	
16. Vanguard Short-Term Bond Fund (VBSSX)	A	Dividend	J	T	Sold (part)	05/03/13	J	A	
17.					Sold (part)	10/03/13	M	B	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. Vanguard Total Stock Market ETF (VTI)	A	Dividend	K	T	Sold (part)	02/13/13	J	A	
19.					Sold (part)	05/03/13	J	A	
20.					Sold (part)	10/03/13	L	E	
21. Berkshire Hathaway Class B common shares (BRKB)		None	J	T	Buy (add'l)	02/13/13	J		
22.					Sold (part)	05/03/13	J	B	
23.					Sold (part)	10/03/13	K	E	
24. ING Fixed Index Annuity	E	Dividend	N	T					
25. SPDR Gold Trust ETF (GLD)		None	K	T	Sold (part)	10/03/13	K	A	
26. Wells Fargo High Yield Bond (SHYYX)	C	Dividend	J	T	Buy (add'l)	02/13/13	J		
27.					Sold (part)	10/03/13	L	D	
28. Vanguard Energy ETF (VDE)	A	Dividend	J	T	Buy (add'l)	02/13/13	J		
29.					Sold (part)	10/03/13	K	D	
30. Vanguard Mid Cap ETF (VO)	A	Dividend	J	T	Sold (part)	05/03/13	J	B	
31.					Sold (part)	10/03/13	K	E	
32. Fidelity Floating Rate High Yield Bond Fund (FFRHX)	B	Dividend	J	T	Sold (part)	10/03/13	L	B	
33. American Funds AMCAP 529F1 (CAFFX)	A	Dividend	K	T	Sold (part)	07/26/13	J	A	
34.					Buy (add'l)	11/11/13	J		

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. American Funds Capital World Bond 529F1 (CCWFX)	A	Dividend	J	T	Buy (add'l)	11/11/13	J		
36. American Funds EuroPacific Gr 529F1 (CEUFX)	A	Dividend	J	T	Buy (add'l)	11/11/13	J		
37. American Funds Interm Bond Fund 529F1(CBOFX)	A	Dividend	J	T	Sold (part)	07/26/13	J	A	
38.					Buy (add'l)	11/11/13	J		
39. American Funds Sh-Tm Bond Fd 529F1 (CFAMX)	A	Dividend	J	T	Sold (part)	07/26/13	J	A	
40.					Buy (add'l)	11/11/13	J		
41. American Funds US Govt Sec 529F1 (CGTFX)	A	Dividend			Sold	07/26/13	J	A	
42. American Funds Wash Mutual 529F1 (CWMFX)	A	Dividend	J	T	Sold (part)	07/26/13	J	A	
43.					Buy (add'l)	11/11/13	J		
44. Charles Schwab Cash Sweep Account	A	Interest	L	T					
45. Vanguard MSCI Emerging Markets ETF (VWO)	A	Dividend	J	T	Buy (add'l)	02/13/13	J		
46.					Sold (part)	10/03/13	K	A	
47. Rental Property, Charlottesville, VA (2008 \$165,000)	D	Rent	M	R					
48. Eagle MLP Strategy I (EGLIX)	A	Dividend	J	T	Buy (add'l)	02/13/13	J		
49.					Sold (part)	10/03/13	K	C	
50. ELEMENTS Rogers Intl Commodity Agri ETN (RJA)		None			Buy (add'l)	02/13/13	J		
51.					Sold	06/25/13	K	A	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. ING Real Estate Instl (CRARX)	A	Dividend	J	T	Buy (add'l)	02/13/13	J		
53.					Sold (part)	10/03/13	K	A	
54. Tweedy, Browne Global Value (TBGVX)	A	Dividend	J	T	Buy (add'l)	02/13/13	J		
55.					Sold (part)	05/03/13	J	A	
56.					Sold (part)	10/03/13	K	B	
57. Vanguard Small Cap ETF (VB)	A	Dividend	J	T	Sold (part)	02/13/13	J	A	
58.					Buy (add'l)	05/03/13	K		
59.					Sold (part)	10/03/13	K	D	
60. Vanguard Inflation Protected Securities Fund (VAIPX)	A	Dividend	J	T	Buy (add'l)	02/14/13	J		
61.					Sold (part)	02/14/13	K	B	
62.					Sold (part)	10/03/13	L	C	
63. Schwab US Small-Cap ETF (SCHA)	A	Dividend	J	T	Buy	10/03/13	J		
64. Schwab US Broad Market ETF (SCHB)	A	Dividend	M	T	Buy	10/03/13	M		
65.					Sold (part)	12/05/13	K	A	
66. Schwab International Small-Cap ETF (SCHC)	A	Dividend	J	T	Buy	10/03/13	J		
67. Schwab Emerging Markets ETF (SCHE)	A	Dividend	J	T	Buy	10/03/13	J		
68. Schwab International Equity ETF (SCHF)	A	Dividend	J	T	Buy	10/03/13	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. Schwab US Large-Cap Growth ETF (SCHG)	A	Dividend	J	T	Buy	10/03/13	J		
70. Schwab US Mid-Cap ETF (SCHM)	A	Dividend	J	T	Buy	10/03/13	J		
71. Schwab US Large-Cap Value ETF (SCHV)	A	Dividend	J	T	Buy	10/03/13	J		
72. Schwab US Aggregate Bond ETF (SCHZ)	A	Dividend	J	T	Buy	10/03/13	J		
73. iShares Core S&P 500 ETF (IVV)	A	Dividend	K	T	Buy	10/03/13	K		
74.					Sold (part)	12/05/13	J	A	
75. American Funds Income Fnd of Amer 529F1 (CIMFX)	A	Dividend	J	T	Buy	11/11/13	J		
76. American Funds SmallCap World Fund 529F (CSPFX)	A	Distribution	J	T	Buy	11/11/13	J		
77. American Funds EuroPacific Growth F1 (AEGFX)	A	Dividend	J	T	Buy	02/13/13	J		
78. American Funds EuroPacific Growth F2 (AEPFX)	A	Dividend	K	T	Buy	10/03/13	K		
79.					Sold (part)	12/05/13	J	A	
80. MFS Intl New Discovery (MWNIX)	A	Dividend	K	T	Buy	10/03/13	K		
81.					Sold (part)	12/05/13	J	A	
82. Goldman Sachs N-11 Equity Instl (GSYIX)	A	Dividend	J	T	Buy	10/03/13	J		
83.					Sold (part)	12/05/13	J	A	
84. Invesco Developing Markets Y (GTDYX)	A	Dividend	K	T	Buy	10/03/13	K		
85. Morgan Stanley Inst Global Franchise (MSFAX)	B	Dividend	K	T	Buy	10/03/13	K		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
86.					Sold (part)	12/05/13	J	A	
87. Doubleline Total Return Bond I (DBLTX)	A	Dividend	L	T	Buy	10/03/13	L		
88.					Sold (part)	12/05/13	J	A	
89. PIMCO Total Return ETF (BOND)	A	Dividend	J	T	Buy	10/03/13	J		
90. PIMCO Total Return Instl (PTTRX)	B	Dividend	M	T	Buy	10/03/13	M		
91.					Sold (part)	12/05/13	J	A	
92. Westcore Plus Bond Instl (WIIBX)	B	Dividend	M	T	Buy	10/03/13	M		
93.					Sold (part)	12/05/13	J	A	
94. PIMCO All Asset All Authority (PAUIX)	B	Dividend	K	T	Buy	10/03/13	L		
95.					Sold (part)	12/05/13	J	A	
96. Eaton Vance Global Macro Absolute Return (EIGMX)	A	Dividend	K	T	Buy	10/03/13	K		
97.					Sold (part)	12/05/13	J	A	
98. JP Morgan Strategic Income Opps Sel (JSOSX)	A	Dividend	L	T	Buy	10/03/13	L		
99.					Sold (part)	12/05/13	J	A	
100. Trust #1	E	Dividend	O	T					
101. -BIF Money Fund (cash account)									
102. -BlackRock Large Cap Core Fund Instl (MALRX)					Sold (part)	04/11/13	J	B	

1. Income Gain Codes: (See Columns B1 and D4)	A ~\$1,000 or less F ~\$50,001 - \$100,000	B ~\$1,001 - \$2,500 G ~\$100,001 - \$1,000,000	C ~\$2,501 - \$5,000 H1 ~\$1,000,001 - \$5,000,000	D ~\$5,001 - \$15,000 H2 ~More than \$5,000,000	E ~\$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J ~\$15,000 or less N ~\$250,001 - \$500,000 P3 ~\$25,000,001 - \$50,000,000	K ~\$15,001 - \$50,000 O ~\$500,001 - \$1,000,000	L ~\$50,001 - \$100,000 P1 ~\$1,000,001 - \$5,000,000 P4 ~More than \$50,000,000	M ~\$100,001 - \$250,000 P2 ~\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code I (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
103.					Sold	11/13/13	L	E	
104. -BlackRock Global Sm Cap Fund Instl (MAGCX)					Sold (part)	04/11/13	J	A	
105.					Sold (part)	11/13/13	K	D	
106. -BlackRock Equity Dividend Instl (MADVX)					Sold (part)	04/11/13	J	B	
107.					Sold (part)	11/13/13	J	C	
108. -BlackRock Global Allocation instl (MALOX)					Sold (part)	04/11/13	J	A	
109.					Sold (part)	11/13/13	K	D	
110. -BlackRock Core Bond Port Instl (BFMCX)					Sold (part)	11/13/13	K	A	
111. -BlackRock Capital Appreciation Fund Inc Instl (MAFGX)					Sold (part)	04/11/13	J	A	
112.					Sold (part)	11/13/13	J	B	
113. -BlackRock Inflation Protected Bond Inst (BPRIX)					Sold	11/13/13	K	A	
114. -BlackRock Strategic Income Opps Inst (BSIIX)					Sold (part)	11/13/13	J	A	
115. -BlackRock Global Dividend Inc Portfolio Inst (BIBDX)					Sold (part)	04/11/13	J	A	
116.					Buy (add'l)	11/13/13	J		
117. -BlackRock Mid CapValue Opps Inst (MARFX)					Sold (part)	11/13/13	K	D	
118. -BlackRock Large Cap Growth Fund Instl (MALHX)					Buy (add'l)	11/13/13	M		
119.					Sold (part)	11/25/13	L	D	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
120. -BlackRock Large Cap Value Fund Instl (MALVX)					Buy	11/13/13	L		
121. -BlackRock Low Duration Bond Instl (BFMSX)					Buy	11/13/13	K		
122. -BlackRock Intl Opp Port Inst (BISIX)					Buy	11/13/13	K		
123. -BlackRock GNMA Inst (BGNIX)					Buy	11/13/13	K		
124. -BlackRock Hi Yld Bd Portfolio Inst Cl (BHYIX)					Buy	11/13/13	J		
125. -iShares Russell 1000 Growth (IWF)					Buy	11/26/13	L		
126. Trust #2	D	Dividend	N	T					
127. -Schwab Adv Cash Reserves (Money Market Fund)									
128. -American Funds EuroPacific Growth F (AEGFX)									
129. -Berkshire Hathaway Class B common shares (BRKB)					Sold (part)	05/03/13	J	A	
130. -Fidelity Floating Rate High Yield Bond Fund (FFRHX)									
131. -Harbor Bond Fund Inst (HABDX)									
132. -Ivy Science & Technology (ISTIX)									
133. -Oppenheimer Gold & Prec Metals (OPGSX)					Sold (part)	05/03/13	J	A	
134.					Sold	06/24/13	J	A	
135. -Templeton Global Bond (TGBAX)									
136. -Vanguard Emerging Market ETF (VWO)									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
137. -Vanguard Energy ETF (VDE)									
138. -Vanguard Mid Cap ETF (VO)					Sold (part)	05/03/13	J	A	
139. -Vanguard Short-Term Bond Fund (VBSSX)									
140. -Vanguard Total Stock Market ETF (VTI)					Sold (part)	05/03/13	J	A	
141. -Wells Fargo High Yield Bond (SHYYX)									
142. -Elements Rogers Agri Commodity ETF (RJA)					Sold	06/25/13	K	A	
143. -c5 SL I Limited Partnership									
144. -Eagle MLP Strategy I (EGLIX)									
145. -ING Real Estate Instl (CRARX)					Sold (part)	05/03/13	J	A	
146. -SPDR Gold Shares (GLD)									
147. -Tweedy, Browne Global Value (TBGVX)									
148. -Vanguard Small Cap ETF (VB)					Buy (add'l)	05/03/13	J		
149. -Vanguard Inflation Protected Securities Fund Adm Sh(VAIPX)									
150.									
151.									
152.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



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## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

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## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: *S/ Antonin Scalia*

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document K

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2014

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial)  Scalia, Antonin	<b>2. Court or Organization</b>  Supreme Court of the U.S.	<b>3. Date of Report</b>  05/15/2014
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Associate Justice	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  1/1/2014 to 12/31/2014
<b>7. Chambers or Office Address</b>  Supreme Court of the U.S. One First Street, N.E. Washington, D.C. 20543		
<p align="center"><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Advisory Board Member	Temple University Law School Program in People's Republic of China
2.	
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 2014	Colgate University - Donation to charitable organization	\$1,000.00
2. 2014	Colorado Christian University - Teaching	\$10,000.00
3. 2014	New England School of Law - Teaching	\$10,000.00
4. 2014	Saint Thomas More Corp. - Yale University - Donation to charitable organization	\$2,000.00
5. 2014	University of Tennessee - Teaching	\$5,000.00
6. 2014	West Services Inc. - Book royalties	\$33,798.10

**B. Spouse's Non-Investment Income** - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. Alberta Court of Appeals	October 22	Alberta, Canada	Speech	Transportation, Food, and Lodging
2. Aleph Society	June 10	New York, NY	Speech	Transportation, Food, and Lodging
3. Appellate Judges Education Institute	November 15	Dallas, TX	Speech	Transportation, Food
4. Colorado Christian University	October 1	Lakewood, CO	Teaching	Food, Lodging

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5.	Brooklyn Law School	March 21	Brooklyn, NY	Lecture	Transportation, Food, and Lodging
6.	Colorado Defense Lawyers Association	July 25	Denver, CO	Speech	Transportation, Food, and Lodging
7.	Ducks Unlimited	May 31	St. Louis, MO	Speech	Transportation, Food
8.	Federalist Society	October 13	New York, NY	Speech	Transportation, Food, and Lodging
9.	Harvard Law School	November 18	Cambridge, MA	Moot Court	Transportation, Food, and Lodging
10.	New England School of Law	July 8-17	Galway, Ireland	Teaching	Transportation, Food, and Lodging
11.	Saint Thomas More Corp. - Yale University	April 2	New Haven, CT	Lecture	Transportation, Food, and Lodging
12.	State Bar of California	September 11	San Diego	Speech	Transportation, Food, and Lodging
13.	State Bar of Georgia	March 14	Atlanta, GA	Speech	Transportation, Food, and Lodging
14.	Union League Club of Chicago	February 14	Chicago, IL	Speech	Transportation, Food, and Lodging
15.	University Club of New York	January 28	New York, NY	Speech	Food, Lodging
16.	University of Colorado	October 1	Boulder, CO	Lecture	Transportation, Food, and Lodging
17.	University of Hawaii	February 3	Honolulu, HI	Lectures	Transportation, Food, and Lodging
18.	University of Idaho	August 25	Boise, ID	Lecture	Transportation, Food, and Lodging
19.	University of Mississippi	December 15	Oxford, MS	Lecture	Transportation, Food, and Lodging
20.	University of San Francisco	January 31	San Francisco, CA	Lectures	Transportation, Food, and Lodging
21.	University of Tennessee	April 14-15	Knoxville, TN	Teaching	Transportation, Food, and Lodging
22.	University of Zurich	May 21-23	Zurich, Switzerland	Lectures	Transportation, Food, and Lodging
23.	William & Mary Law School	May 11	Williamsburg, VA	Lecture	Food, Lodging

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.			
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	NW Mutual Life Insurance Company	Loan on insurance	J
2.			
3.			
4.			
5.			

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. TIAA-CREF		Interest			Matured	08/31/14			
2. Capital One Bank	A	Interest	L	T					
3. American Funds Growth Fund of America 529F1 (CGFFX)	E	Dividend	M	T	Buy (add'l)	12/10/14	K		
4. Harbor Bond Fund Inst (HABDX)	A	Dividend			Sold	12/23/14	J	A	
5. Ivy Science & Technology (ISTIX)	A	Dividend			Sold	12/23/14	J	B	
6. Templeton Global Bond (TGBAX)	A	Dividend			Sold	12/23/14	J	A	
7. Vanguard Short-Term Bond Fund (VBSSX)	A	Dividend			Sold	12/23/14	J	A	
8. Vanguard Total Stock Market ETF (VTI)	A	Dividend	K	T					
9. Berkshire Hathaway Class B common shares (BRKB)		None	J	T					
10. Voya Fixed Index Annuity	E	Interest	N	T					
11. SPDR Gold Trust ETF (GLD)		None			Sold	12/23/14	K	A	
12. Wells Fargo High Yield Bond (SHYYX)	A	Dividend			Sold	12/23/14	J	A	
13. Vanguard Energy ETF (VDE)	A	Dividend	J	T	Sold (part)	12/23/14	J	A	
14. Vanguard Mid Cap ETF (VO)	A	Dividend	J	T					
15. Fidelity Floating Rate High Yield Bond Fund (FFRHX)	A	Dividend			Sold	12/23/14	J	A	
16. American Funds AMCAP 529F1 (CAFFX)	C	Dividend	K	T	Buy (add'l)	12/10/14	J		
17. American Funds Capital World Bond 529F1 (CCWEX)	A	Dividend	J	T	Buy (add'l)	12/10/14	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. American Funds EuroPacific Gr 529F1 (CEUFX)	A	Dividend	J	T	Buy (add'l)	12/10/14	J		
19. American Funds Interm Bond Fund 529F1(CBOFX)	A	Dividend	J	T					
20. American Funds Sh-Tm Bond Fd 529F1 (CFAMX)	A	Dividend	J	T					
21. American Funds Wash Mutual 529F1 (CWMFX)	A	Dividend	J	T	Buy (add'l)	12/10/14	J		
22. Charles Schwab Cash Sweep Account	A	Interest	M	T					
23. Vanguard MSCI Emerging Markets ETF (VWO)	A	Dividend	J	T					
24. Rental Property, Charlottesville, VA (2008 \$165,000)	D	Rent	M	R					
25. Eagle MLP Strategy I (EGLIX)	A	Dividend			Sold	12/23/14	J	A	
26. Voya Real Estate Instl (CRARX)	A	Dividend			Sold	12/23/14	J	B	
27. Tweedy, Browne Global Value (TBGVX)		None			Sold	12/23/14	J	A	
28. Vanguard Small Cap ETF (VB)	A	Dividend			Sold	12/23/14	J	B	
29. Vanguard Inflation Protected Securities Fund (VAIPX)	A	Dividend			Sold	12/23/14	J	A	
30. Schwab US Small-Cap ETF (SCHA)	A	Dividend	J	T					
31. Schwab US Broad Market ETF (SCHB)	B	Dividend	M	T	Sold (part)	12/15/14	J	B	
32. Schwab International Small-Cap ETF (SCHC)	A	Dividend	J	T					
33. Schwab Emerging Markets ETF (SCHE)	A	Dividend	J	T					
34. Schwab International Equity ETF (SCHF)	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
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3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. Schwab US Large-Cap Growth ETF (SCHG)	A	Dividend	J	T	Sold (part)	08/14/14	J	A	
36. Schwab US Mid-Cap ETF (SCHM)	A	Dividend	J	T					
37. Schwab US Large-Cap Value ETF (SCHV)	A	Dividend	J	T	Sold (part)	08/14/14	J	A	
38. Schwab US Aggregate Bond ETF (SCHZ)	A	Dividend	J	T					
39. iShares Core S&P 500 ETF (IVV)	A	Dividend	K	T	Sold (part)	12/15/14	J	A	
40. American Funds Income Fnd of Amer 529F1 (CIMFX)	A	Dividend	J	T	Buy (add'l)	12/10/14	J		
41. American Funds SmallCap World Fund 529F (CSPFX)	A	Distribution	J	T	Buy (add'l)	12/10/14	J		
42. American Funds EuroPacific Growth F1 (AEGFX)		None			Sold	12/23/14	J	A	
43. American Funds EuroPacific Growth F2 (AEPFX)	A	Dividend	K	T					
44. MFS Intl New Discovery (MWNIX)	A	Dividend	K	T					
45. Goldman Sachs N-11 Equity Instl (GSYIX)		None			Sold	12/10/14	J	A	
46. Invesco Developing Markets Y (GTDYX)		None	K		Sold	12/10/14	K	A	
47. Morgan Stanley Inst Global Franchise (MSFAX)	B	Dividend	K	T					
48. Doubleline Total Return Bond I (DBLTX)	C	Dividend	L	T					
49. PIMCO Total Return ETF (BOND)	A	Dividend			Sold (part)	08/14/14	J	A	
50.					Buy (add'l)	10/06/14	J		
51.					Sold	12/11/14	J	A	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

52. PIMCO Total Return Instl (PTTRX)	A	Dividend			Buy (add'l)	04/04/14	J		
53.					Sold	05/06/14	M	A	
54. Westcore Plus Bond Instl (WIIBX)	D	Dividend	M	T	Buy (add'l)	11/05/14	J		
55.					Sold (part)	12/16/14	J	B	
56. PIMCO All Asset All Authority (PAUIX)	C	Dividend	L	T	Buy (add'l)	12/10/14	J		
57.					Sold (part)	12/16/14	J	A	
58. Eaton Vance Global Macro Absolute Return (EIGMX)	A	Dividend			Sold	04/29/14	K	A	
59. JP Morgan Strategic Income Opps Sel (JSOSX)	A	Dividend			Sold	12/23/14	L	A	
60. Wells Fargo Advantage Absolute Ret Adm (WARDX)	A	Dividend	K	T	Buy	04/29/14	K		
61.					Buy (add'l)	11/05/14	J		
62.					Sold (part)	12/10/14	J	A	
63. Metropolitan West Total Return Bond I (MWTIX)	B	Dividend	M	T	Buy	05/06/14	M		
64.					Sold (part)	12/16/14	J	A	
65. iShares Core MSCI Emerging Markets (IEMG)	A	Dividend	L	T	Buy	12/10/14	K		
66.					Buy (add'l)	12/23/14	J		
67. iShares Core Short-Term USD Bond (ISTB)	A	Dividend	J	T	Buy	12/11/14	J		
68.					Buy (add'l)	12/23/14	L		

1. Income Gain Codes: (See Columns B1 and D4)	A ~\$1,000 or less F ~\$50,001 - \$100,000	B ~\$1,001 - \$2,500 G ~\$100,001 - \$1,000,000	C ~\$2,501 - \$5,000 H ~\$1,000,001 - \$5,000,000	D ~\$5,001 - \$15,000 H2 ~More than \$5,000,000	E ~\$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J ~\$15,000 or less N ~\$250,001 - \$500,000 P3 ~\$25,000,001 - \$50,000,000	K ~\$15,001 - \$50,000 O ~\$500,001 - \$1,000,000	L ~\$50,001 - \$100,000 P1 ~\$1,000,001 - \$5,000,000 P4 ~More than \$5,000,000	M ~\$100,001 - \$250,000 P2 ~\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q ~Appraisal U ~Book Value	R ~Cost (Real Estate Only) V ~Other	S ~Assessment W ~Estimated	T ~Cash Market	



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05/15/2014

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. Schwab US TIPS ETF (SCHP)			J	T	Buy	12/11/14	J		
70.					Sold (part)	12/12/14	J	A	
71. Vanguard Short-Term Inflation-Protected Secs ETF (VTIP)	A	Dividend	J	T	Buy	12/11/14	J		
72. Trust #1	E	Dividend	O	T					
73. -BIF Money Fund (cash account)									
74. -BlackRock Global Sm Cap Fund Instl (MAGCX)					Sold (part)	04/17/14	J	A	
75.					Buy (add'l)	09/15/14	J		
76. -BlackRock Equity Dividend Instl (MADVX)					Sold (part)	01/08/14	J	B	
77.					Sold (part)	04/17/14	J	A	
78.					Sold (part)	09/15/14	K	D	
79. -BlackRock Global Allocation Fund Instl (MALOX)					Sold (part)	04/17/14	J	A	
80.					Sold (part)	09/15/14	K	D	
81. -BlackRock Core Bond Port Instl (BFMCX)					Sold (part)	01/08/14	J	A	
82.					Sold (part)	04/17/14	J	A	
83.					Sold (part)	09/15/14	K	C	
84. -BlackRock Capital Appreciation Fund Inc Instl (MAFGX)					Sold (part)	04/17/14	J	B	
85.					Buy (add'l)	09/15/14	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Scalia, Antonin

Date of Report

05/15/2014

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
86. -BlackRock Strategic Income Opps Inst (BSIIX)					Sold (part)	01/08/14	J	A	
87.					Sold (part)	04/17/14	J	A	
88.					Sold (part)	09/15/14	J	B	
89. -BlackRock Global Dividend Portfolio Inst (BIBDX)					Sold (part)	01/08/14	J	A	
90.					Sold (part)	04/17/14	J	A	
91.					Buy (add'l)	09/15/14	K		
92. -BlackRock Mid CapValue Opps Inst (MARFX)					Sold (part)	04/17/14	J	A	
93.					Buy (add'l)	09/15/14	J		
94. -BlackRock Large Cap Growth Fund Instl (MALHX)					Sold (part)	04/17/14	J	A	
95.					Sold (part)	09/15/14	J	A	
96. -BlackRock Large Cap Value Fund Instl (MALVX)					Sold (part)	01/08/14	J	A	
97.					Buy (add'l)	04/17/14	J		
98.					Sold (part)	09/15/14	J	A	
99. -BlackRock Low Duration Bond Instl (BFMSX)					Sold	04/17/14	J	A	
100.					Buy (add'l)	09/15/14	J		
101. -BlackRock Intl Opp Port Inst (BISIX)					Sold (part)	01/08/14	J	A	
102.					Sold (part)	04/17/14	J	A	

1. Income Gain Codes: (See Columns B1 and D4)	A ~\$1,000 or less F ~\$50,001 - \$100,000	B ~\$1,001 - \$2,500 G ~\$100,001 - \$1,000,000	C ~\$2,501 - \$5,000 H1 ~\$1,000,001 - \$5,000,000	D ~\$5,001 - \$15,000 H2 ~More than \$5,000,000	E ~\$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J ~\$15,000 or less N ~\$250,001 - \$500,000 P3 ~\$25,000,001 - \$50,000,000	K ~\$15,001 - \$50,000 O ~\$500,001 - \$1,000,000	L ~\$50,001 - \$100,000 P1 ~\$1,000,001 - \$5,000,000 P4 ~More than \$50,000,000	M ~\$100,001 - \$250,000 P2 ~\$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Scalia, Antonin

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code I (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
103.					Sold (part)	09/15/14	K	A	
104. -BlackRock GNMA Inst (BGNIX)					Sold (part)	04/17/14	J	A	
105.					Buy (add'l)	09/15/14	J		
106. -BlackRock Hi Yld Bd Portfolio Inst Cl (BHYIX)					Sold (part)	04/17/14	J	A	
107.					Sold (part)	09/15/14	J	A	
108. -iShares Russell 1000 Growth (IWF)					Sold (part)	01/08/14	J	A	
109.					Buy (add'l)	04/17/14	J		
110.					Sold (part)	09/15/14	J	A	
111. -iShares Russell 1000 Value (IWD)					Buy	09/15/14	K		
112. -iShares Select Dividend ETF (DVY)					Buy	09/15/14	K		
113. -iShares Intl Select Dividend ETF (IDV)					Buy	09/15/14	K		
114. -iShares Inc Core MSCI Emerging Markets ETF (IEMG)					Buy	09/15/14	K		
115. -iShares Core S&P 500 ETF (IVV)					Buy	12/26/14	K		
116. Trust #2	E	Distribution	N	T					
117. -Schwab Adv Cash Reserves (Money Market Fund)									
118. -American Funds EuroPacific Growth F (AEGFX)					Sold	12/23/14	J	B	
119. -Berkshire Hathaway Class B common shares (BRKB)									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Scalia, Antonin

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
120. -Fidelity Floating Rate High Yield Bond Fund (FFRHX)					Sold	07/02/14	K	A	
121. -Harbor Bond Fund Inst (HABDX)					Sold	07/02/14	K	A	
122. -Ivy Science & Technology (ISTIX)									
123. -Templeton Global Bond (TGBAX)					Sold	07/02/14	K	A	
124. -Vanguard Emerging Market ETF (VWO)					Sold	12/23/14	K	A	
125. -Vanguard Energy ETF (VDE)					Sold	12/23/14	J	B	
126. -Vanguard Mid Cap ETF (VO)									
127. -Vanguard Short-Term Bond Fund (VBSSX)					Sold	07/03/14	K		
128. -Vanguard Total Stock Market ETF (VTI)									
129. -Wells Fargo High Yield Bond (SHYYX)					Sold	07/02/14	K	A	
130. -c5 SL I Limited Partnership									
131. -Eagle MLP Strategy I (EGLIX)									
132. -Voya Real Estate Instl (CRARX)									
133. -SPDR Gold Shares (GLD)					Sold	07/02/14	J	A	
134. -Tweedy, Browne Global Value (TBGVX)					Sold	12/23/14	J	B	
135. -Vanguard Small Cap ETF (VB)									
136. -Vanguard Inflation Protected Securities Fund Adm Sh(VAIPX)					Sold	07/03/14	K	A	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Scalia, Antonin

Date of Report

05/15/2014

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
137.									
138.									
139.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting	Date of Report
Scalia, Antonin	05/15/2014

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

- 1) Part VII, Line 10 - Voya formerly listed as ING
- 2) Part VII, Line 26 - Voya formerly listed as ING
- 3) Part VII, Line 132 - Voya formerly listed as ING
- 3) Part VII - On 6/04/2014, Vanguard Funds merged Vanguard Short-Term Bond Index Admiral shares (VBIRX) into Vanguard Short-Term Bond Index Signal shares (VBSSX).

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Scalia, Antonin

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05/15/2014

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: *S/ Antonin Scalia*

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document L

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2016

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial)  Sotomayor, Sonia	<b>2. Court or Organization</b>  Supreme Court of the United States	<b>3. Date of Report</b>  5/09/2017
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Associate Justice	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2016 to 12/31/2016
<b>7. Chambers or Office Address</b>  1 First Street, NE Washington, DC 20543		
<p><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Governing Director	iCivics
2.		
3.		
4.		
5.		

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

	<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.		
2.		
3.		

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Sotomayor, Sonia

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1.		
2.		
3.		
4.		

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

**IV. REIMBURSEMENTS** *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Bronx Defenders	1/26/2016	New York, NY	Acceptance of "Partners in Justice" Award	Transportation and Meals
2. Federal Bar Council	1/31/2016 through 2/6/2016	Hualalai, Kona, Hawaii	Attendance at annual meeting and participation in panel discussions	Transportation, Lodging and Meals
3. New York University School of Law	2/8/2016	New York, NY	Question and Answer conversation with Annual Survey of American Law staff	Transportation and Meals
4. Supreme Court Historical Society	2/24/2016	New York, NY	Attendance at dinner	Transportation and Meals

**FINANCIAL DISCLOSURE REPORT**

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5.	New Mexico Hispanic Women's Council	4/4/2016	Albuquerque, NM	Question and Answer Conversation	Transportation, Lodging and Meals
6.	St. John's University	4/6/2016	Santa Fe, NM	Question and Answer Conversation with Faculty and Students	Transportation, Lodging and Meals
7.	Wheelock College and Inquilinos Boricuas en Accion (Puerto Rican Tenant Action)	5/6/2016 through 5/7/2016	Boston, MA	Address to Youth Symposium and Reception	Transportation, Lodging and Meals
8.	Alaska Bar Association	8/16/2016 through 8/17/2016	Anchorage, AK	Question and Answer Conversation with Bar Association members and reception	Transportation, Lodging and Meals
9.	Association of the Bar of the City of New York	10/25/2016	New York, NY	Panel Discussin with Justice Ginsburg	Transportation and Meals
10.	Cobian Media	9/28/2016 through 9/30/2016	San Juan, Puerto Rico	Question and Answer Conversation at Animus Women's Innovation Summit	Transportation, Lodging and Meals
11.	Aspen Institute	12/9/2016	New York, NY	Acceptance of Preston Tisch Award	Transportation and Meals

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

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Date of Report

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.			
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	JP Morgan Chase, NA	Mortgage on Rental Property #1, New York, New York (Pt. VII, Line 11)	N
2.			
3.			
4.			
5.			

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Sotomayor, Sonia

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. Citibank, N.A. Accounts	A	Interest	N	T					
2. Morgan Stanley Bank, NA (H)	A	Interest	J	T					
3. Templeton Global Bond A Fund	A	Dividend	K	T					
4. Columbia TRI LC Growth Class A MF Fund	A	Dividend	L	T					
5. Nuveen NWQ Large Cap Value A Fund	A	Dividend	L	T					
6. Thornburg IN Growth A Fund	A	Dividend	L	T					
7. Franklin FLTG RT DLY Access A Common	B	Dividend	L	T					
8. Morgan Stanley Bank, NA (IRA) (H)	A	Interest	J	T					
9. Blackrock GLB Allocation FD Class A (IRA)	A	Dividend	L	T					
10. Pimco Unconstrained BDA (IRA)	A	Dividend	K	T					
11. Rental Property #1, New York, NY Appraised 2012	D	Rent	P1	Q					
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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Date of Report

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## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

Part I - I officially became a director of this organization in November, 2015.

Part III - As I received no "Non-Investment Income" in 2016, Part III is marked "None". Furthermore, I have been advised by the Knopf Doubleday Group, publisher of my memoir, "My Beloved World", that it disbursed no funds during 2016 to promote the sale of the book.

Part IV - Items 5 and 6 - The sponsors of these events shared the cost of transportation.

Part IV - Item 7 - The sponsors of this event shared the cost of transportation, lodging and meals.

Part IV - Item 8 - In conjunctin with this event, I participated in several events at the University of Alaska Fairbanks between August 14 and 16. The events at the University were co-sponsored by Alaska Airlines. The University provided roundtrip air transportation to and from New York utilizing travel vouchers donated by Alaska Airlines to the University.

# FINANCIAL DISCLOSURE REPORT

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5/09/2017

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ **Sonia Sotomayor**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document M

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2016**

*Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)*

<b>1. Person Reporting (last name, first, middle initial)</b>  Sotomayor, Sonia	<b>2. Court or Organization</b>  Supreme Court of the United States	<b>3. Date of Report</b>  04/02/2021
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  Associate Justice	<b>5a. Report Type (check appropriate type)</b>  <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	<b>6. Reporting Period</b>  01/01/2016 to 12/31/2016
	<b>5b.</b> <input checked="" type="checkbox"/> Amended Report	
<b>7. Chambers or Office Address</b>  1 First Street, NE Washington, DC 20543		
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>		

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Governing Director	iCivics
2.		
3.		
4.		
5.		

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☒ NONE *(No reportable agreements.)*

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

# FINANCIAL DISCLOSURE REPORT

Page 2 of 7

Name of Person Reporting

Sotomayor, Sonia

Date of Report

04/02/2021

## III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

### A. Filer's Non-Investment Income



NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1.		
2.		
3.		
4.		

### B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

*(Dollar amount not required except for honoraria.)*



NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

## IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*



NONE *(No reportable reimbursements.)*

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	Bronx Defenders	1/26/2016	New York, NY	Acceptance of "Partners in Justice" Award	Transportation and Meals
2.	Federal Bar Council	1/31/2016 through 2/6/2016	Hualalai, Kona, Hawaii	Attendance at annual meeting and participation in panel discussions	Transportation, Lodging and Meals
3.	New York University School of Law	2/8/2016	New York, NY	Question and Answer conversation with Annual Survey of American Law staff	Transportation and Meals
4.	Supreme Court Historical Society	2/24/2016	New York, NY	Attendance at dinner	Transportation and Meals

**FINANCIAL DISCLOSURE REPORT**

Page 3 of 7

Name of Person Reporting

Sotomayor, Sonia

Date of Report

04/02/2021

5.	University of Illinois Law School	3/7/2016 through 3/9/2016	Champaign, IL	Participated in Moot Court and Question and Answer session with students	Transportation, Lodging and Meals
6.	New Mexico Hispanic Women's Council	4/4/2016	Albuquerque, NM	Question and Answer Conversation	Transportation, Lodging and Meals
7.	St. John's University	4/6/2016	Santa Fe, NM	Question and Answer Conversation with Faculty and Students	Transportation, Lodging and Meals
8.	Eagleton Institute of Politics, Rutgers University	4/11/2016	New Brunswick, NJ	Participation in Question and Answer session and lunch with faculty members	Transportation and Meals
9.	Wheelock College and Inquilinos Boricuas en Accion (Puerto Rican Tenant Action)	5/6/2016 through 5/7/2016	Boston, MA	Address to Youth Symposium and Reception	Transportation, Lodging and Meals
10.	University of Rhode Island	5/20/2016 through 5/22/2016	Kingston, RI	Delivered Commencement Address	Transportation, Lodging and Meals
11.	University of Alaska	8/14/2016 through 8/15/2016	Fairbanks, AK	Tour of campus and participation in Question and Answer session	Transportation, Lodging and Meals
12.	Alaska Bar Association	8/16/2016 through 8/17/2016	Anchorage, AK	Question and Answer Conversation with Bar Association members and reception	Transportation, Lodging and Meals
13.	University of Wisconsin Law School	9/8/2016 through 9/9/2016	Madison, WI	Delivering the annual Kastenmeier Lecture to the Law School community	Transportation, Lodging and Meals
14.	University of Minnesota Law School	10/17/2016 through 10/18/2016	Minneapolis, MN	Delivering the Stein Lecture to the Law School community	Transportation, Lodging and Meals
15.	Association of the Bar of the City of New York	10/25/2016	New York, NY	Panel Discussin with Justice Ginsburg	Transportation and Meals
16.	Cobian Media	9/28/2016 through 9/30/2016	San Juan, Puerto Rico	Question and Answer Conversation at Animus Women's Innovation Summit	Transportation, Lodging and Meals
17.	Aspen Institute	12/9/2016	New York, NY	Acceptance of Preston Tisch Award	Transportation and Meals

# FINANCIAL DISCLOSURE REPORT

Page 4 of 7

Name of Person Reporting

Sotomayor, Sonia

Date of Report

04/02/2021

## V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*



NONE *(No reportable gifts.)*

SOURCE

DESCRIPTION

VALUE

1.

2.

3.

4.

5.

## VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*



NONE *(No reportable liabilities.)*

CREDITOR

DESCRIPTION

VALUE CODE

1. JP Morgan Chase, NA

Mortgage on Rental Property #1, New York, New York (Pt. VII, Line 11)

N

2.

3.

4.

5.

# FINANCIAL DISCLOSURE REPORT

Page 5 of 7

Name of Person Reporting

Sotomayor, Sonia

Date of Report

04/02/2021

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Citibank, N.A. Accounts	A	Interest	N	T					
2. Morgan Stanley Bank, NA (H)	A	Interest	J	T					
3. Templeton Global Bond A Fund	A	Dividend	K	T					
4. Columbia TRI LC Growth Class A MF Fund	A	Dividend	L	T					
5. Nuveen NWQ Large Cap Value A Fund	A	Dividend	L	T					
6. Thornburg IN Growth A Fund	A	Dividend	L	T					
7. Franklin FLTG RT DLY Access A Common	B	Dividend	L	T					
8. Morgan Stanley Bank, NA (IRA) (H)	A	Interest	J	T					
9. Blackrock GLB Allocation FD Class A (IRA)	A	Dividend	L	T					
10. Pimco Unconstrained BDA (IRA)	A	Dividend	K	T					
11. Rental Property #1, New York, NY Appraised 2012	D	Rent	P1	Q					
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Columns B1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H1 = \$1,000,001 - \$5,000,000	H2 = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	
(See Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$25,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		



# FINANCIAL DISCLOSURE REPORT

Page 6 of 7

Name of Person Reporting

Sotomayor, Sonia

Date of Report

04/02/2021

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

Part I - I officially became a director of this organization in November, 2015.

Part III - As I received no "Non-Investment Income" in 2016, Part III is marked "None". Furthermore, I have been advised by the Knopf Doubleday Group, publisher of my memoir, "My Beloved World", that it disbursed no funds during 2016 to promote the sale of the book.

Part IV - Items 6 and 7 - The sponsors of these events shared the cost of transportation.

Part IV - Item 10 - In connection with Item 10, participated in a Question and Answer session with students at the U.S. Naval War College on May 21, 2016.

Part IV - Item 11 and 12 - The sponsors of these events shared the cost of transportation, lodging and meals. The events at the University were co-sponsored by Alaska Airlines. The University provided roundtrip air transportation to and from New York utilizing travel vouchers donated by Alaska Airlines to the University. During my stay in Anchorage, I also joined the members of the Supreme Court of Alaska for dinner on August 17, 2016.

# FINANCIAL DISCLOSURE REPORT

Page 7 of 7

Name of Person Reporting

Sotomayor, Sonia

Date of Report

04/02/2021

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ Sonia Sotomayor**

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

Key Document N



AO-10 (w)  
Rev. 1/2000

# FINANCIAL DISCLOSURE REPORT

Calendar Year 2000

Report required by the Ethics in Government Act of 1978, as amended (5 U.S.C. App. 4, Sec. 101-112)

<b>1. Person Reporting</b> (Last name, first, middle initial) THOMAS, CLARENCE		<b>2. Court or Organization</b> UNITED STATES SUPREME COURT	<b>3. Date of Report</b> 05/15/2001
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) ASSOCIATE JUSTICE	<b>5. Report Type (check type)</b> ____ Nomination, Date ____ / ____ / ____ ____ Initial <input checked="" type="checkbox"/> Annual ____ Final		<b>6. Reporting Period</b> 01/01/2000 to 12/31/2000
<b>7. Chambers or Office Address</b> U.S. SUPREME COURT  1 FIRST STREET, N.E.  WASHINGTON, D. C. 20543		<b>8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is in my opinion, in compliance with applicable laws and regulations.</b>  Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on the last page.			

**I. POSITIONS** (Reporting individual only; see pp. 9-13 of Instructions.)

**POSITION**

**NAME OF ORGANIZATION / ENTITY**

☒ **NONE** (No reportable positions.)

1		
2		
3		

RECEIVED  
MAY 15 4 53 PM '01  
FINANCIAL  
DISCLOSURE OFFICE

**II. AGREEMENTS** (Reporting individual only; see pp. 14-16 of Instructions.)

**DATE**

**PARTIES AND TERMS**

☒ **NONE** (No reportable agreements.)

1		
2		
3		

**III. NON-INVESTMENT INCOME** (Reporting individual and spouse; see pp. 17-24 of Instructions.)

**DATE**

**SOURCE AND TYPE**

**GROSS INCOME**  
(yours, not spouse's)

☐ **NONE** (No reportable non-investment income.)

1	2/7/00	Drake University School of Law - seminar	\$15,000
2	4/10/00	University of Kansas School of Law - Teaching	\$6,195
3			
4			



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/20 01

## IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-28 of Instructions.)

<input type="checkbox"/> SOURCE NONE (No such reportable reimbursements.)	DESCRIPTION
1 Drake University School of Law	Private plane and accommodations/seminar/Justice Thomas/2/7/00
2 Culver Stockton College of Law	Private plane and accommodations/speech/Justice Thomas/2/16/00
3 Hudson Institute	Air fare and accommodations/speech/Justice Thomas/3/8/00
4 New York Law School	Air fare and accommodations/moot court/Justice Thomas/3/12/00
5 University of Kansas School of Law	Air fare and accommodations/teaching/Justice Thomas/4/10/00
6 Federal Bar Assn, Tampa Bay Chapter	Air fare and accommodations/speech/Justice Thomas/4/4/00
7 Oklahoma Council of Public Affairs	Private plane and accommodations/speech/Justice Thomas/5/8/00

## V. GIFTS

(Includes those to spouse and dependent children. See pp. 29-32 of Instructions.)

<input type="checkbox"/> SOURCE NONE (No such reportable gifts.)	DESCRIPTION	VALUE
1 Honorary Membership	The University Club	\$ 500.00
2 Former Law Clerks	Deep Cycle Batteries	\$ 1200.00
3		

## VI. LIABILITIES

(Includes those of spouse and dependent children. See pp 33-35 of Instructions.)

<input type="checkbox"/> CREDITOR NONE (No reportable liabilities.)	DESCRIPTION	VALUE CODE*
1 Riggs Bank	Revolving credit account	K
2		
3		
4		
5		
6		

\* VAL CODES: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001 to \$100,000 M=\$100,001-\$250,000 N=\$250,001-\$500,000  
O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=\$50,000,001 or more



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting  
THOMAS, CLARENCE

Date of Report  
05/15/2001

## VII. Page 1 INVESTMENTS and TRUSTS-- income, value, transactions (Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)

A. Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>		B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
		(1) Amount Code (A-H)	(2) Type (e.g., dividend, rent or interest)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, partial sale, merger, redemption)	If not exempt from disclosure			
							(2) Date: Month- Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/>	NONE (No reportable income,assets, or transactions.)									
1	MONY Annuity	A	Int	J	T					
2	1/3 int. in rental property at ## 1, 2, & 3, Sav., GA	A	Rent	J	W					
3	Realty Investment Corp. (IRA), Esconvita, CA	A	Div	J	T					
4	Equitec (IRA), Boston, MA	A	Div	J	T					
5	Ginger, LTD., Partnership, [REDACTED] [REDACTED] Omaha	A	Rent	L	W					
6	Brandywine Blue		MutFund/I RA	M	T					
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										

1 Inc/Gain Codes: A=\$1,000 or less B=\$1,001-\$2,500 C=\$2,501-\$5,000 D=\$5,001-\$15,000 E=\$15,001-\$50,000  
(Col. B1, D4) F=\$50,001-\$100,000 G=\$100,001-\$1,000,000 H1=\$1,000,001-\$5,000,000 H2=\$5,000,001 or more

2 Val Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 N=\$250,001-\$500,000  
(Col. C1, D3) O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=\$50,000,001 or more

3 Val Mth Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market  
(Col. C2) U=Book Value V=Other W=Estimated



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2001

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.

(Indicate part of report.)



**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2001

**SECTION HEADING.** (Indicate part of report.)

Information continued from Parts I through VI, inclusive.

**PART 4. REIMBURSEMENTS (cont'd.)**

Line Source

Description

8	United States District Court, Western District of Missouri	Air Fare/speech/Justice Thomas/8/25/00
9	Hillsdale College	Private plane and accommodations/speech/Justice & [REDACTED]/9/9/00
10	University of Louisville	Private plane/speech/Justice Thomas/9/10/00
11	United States District Court - Nebraska	Air Fare/Courthouse Dedication/Justice Thomas/10/23/00



**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2001

**IX. CERTIFICATION**

I certify that all the information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. 4, section 501 et. seq., 5 U.S.C. 7353 and Judicial Conference regulations.

Signature

Date

5/15/01**Note:**

Any individual who knowingly and wilfully falsifies or fails to file this report may be subject to civil and criminal sanctions (5 U.S.C. App. 4, Section 104).

**FILING INSTRUCTIONS**

Mail original and three additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
One Columbus Circle, N.E.  
Suite 2-301  
Washington, D.C. 20544



# Key Document O



# FINANCIAL DISCLOSURE REPORT

Calendar Year 2002

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (Last name, First name, Middle initial) THOMAS, CLARENCE	2. Court or Organization UNITED STATES SUPREME COURT	3. Date of Report 5/15/2003
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) ASSOCIATE JUSTICE	5. ReportType (check appropriate type)  <input type="radio"/> Nomination,      Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period  1/1/2002 to 12/31/2002
7. Chambers or Office Address U.S. SUPREME COURT 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.  Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions)

☒ NONE - (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1.

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions)

☒ NONE - (No reportable agreements.)

DATE

PARTIES AND TERMS

1.

## III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of filing instructions)

☐ NONE - (No reportable non-investment income.)

DATE

SOURCE AND TYPE

GROSS INCOME  
(yours, not spouse's)

1.	10/27/02	University of Kansas School of Law - teaching	\$5,000
2.	9/8/02	University of Virginia School of Law - teaching	\$2,500
3.	2/4/02	Drake University School of Law - teaching	\$15,000



**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

**IV. REIMBURSEMENTS** -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

☐ **NONE** - (No such reportable reimbursements.)

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. Drake University School of Law	Private plane and accommodations/seminar/Justice Thomas/2/4-8/02 - Des Moines, Iowa
2. Greater Omaha Chamber of Commerce	Private plane and accommodations/speech/Justice Thomas/2/11/02 - Omaha, NE
3. University of North Carolina Law School at Chapel Hill	Air fare and accommodations/speech/Justice Thomas/3/6/02 - Chapel Hill, NC
4. The College of the Holy Cross	Air fare and accommodations/speech/Justice Thomas/4/9/02 - Worcester, MA
5. Diocese of Little Rock Red Mass	Air fare and accommodations/speech/Justice Thomas/5/1/02 - Little Rock, AR
6. St. Benedict's Prep	Private plane/speech/Justice Thomas/5/6/02 - Newark, NJ
7. Campbell University Norman Adrian Wiggins School of Law	Private plane and accommodations/speech/Justice Thomas/5/13/02 - Buies Creek, NC
8. George State Bar Annual Meeting	Private plane/speech/Justice Thomas/6/15/02 - Amelia Island, FL
9. University of Virginia School of Law	Accommodations/seminar/Justice Thomas/9/8-10/02 - Charlottesville, VA
10. University of Kansas School of Law	Air fare and accommodations/seminar/Justice Thomas/10/27-30/02 - Lawrence, Kansas

**V. GIFTS.** (Includes those to spouse and dependent children. See pp. 28-31 of instructions.)☐ **NONE** - (No such reportable gifts.)

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. The University Club	Honorary Membership	\$500
2. Greg Werner	Tires	\$1,200
3. Earl & Louise Dixon	Education gift to Mark Martin	\$5,000



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

## VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.)

☒ NONE - (No reportable liabilities.)

CREDITOR

DESCRIPTION

VALUE CODE

1.



# FINANCIAL DISCLOSURE REPORT

Page 1 of 1

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amount Code 1 (A-H)	Type (e.g. div. rent. or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g. buy, sell, merger, redemption)	(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1. MONY Annuity	A	Int	J	T					
2. 1/3 int. in rental property at ## 1, 2, & 3, Sav., GA	A	Rent	J	W					
3. Realty Investment Corp. (IRA), Escondido, CA	A	Div	J	T					
4. Equitec (IRA), Boston, MA	A	Div	J	T					
5. Ginger, LTD., Partnership	A	Rent	L	W					
6. Fidelity 403(b)		None	M	T					

1. Income/Gain Codes:	A = \$1,000 or less	B = \$1,001-\$2,500	C = \$2,501-\$5,000	D = \$5,001-\$15,000	E = \$15,001-\$50,000
(See Columns B1 and D4)	F = \$50,001-\$100,000	G = \$100,001-\$1,000,000	H1 = \$1,000,001-\$5,000,000	H2 = More than \$5,000,000	
2. Value Codes:	J = \$15,000 or less	K = \$15,001-\$50,000	L = \$50,001-\$100,000	M = \$100,001-\$250,000	
(See Columns C1 and D3)	N = \$250,000-\$500,000	O = \$500,001-\$1,000,000	P1 = \$1,000,001-\$5,000,000	P2 = \$5,000,001-\$25,000,000	
	P3 = \$25,000,001-\$50,000,000		P4 = \$More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS

(Indicate part of Report.)



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

Date

5/15/03

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

### FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544



# Key Document P

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2014

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting</b> (last name, first, middle initial)  THOMAS, CLARENCE	<b>2. Court or Organization</b>  UNITED STATES SUPREME COURT	<b>3. Date of Report</b>  05/15/2015
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  ASSOCIATE JUSTICE	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2014 to 12/31/2014
<b>7. Chambers or Office Address</b>  U.S. SUPREME COURT 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543		
<p><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Board of Directors	Horatio Alger Association
2.	
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

Page 2 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2015

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2/3/14	University of Notre Dame Law School - teaching	\$7,500.00
2. 8/28/14	George Washington University School of Law -teaching	\$10,000.00
3. 9/22/14	University of Georgia School of Law -teaching	\$9,455.00
4.		

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2014	The Daily Caller - salary
2. 2014	Liberty Consulting, Inc. - salary and benefits
3.	
4.	

**IV. REIMBURSEMENTS** *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Notre Dame University School of Law	2/2-2/8/14	Notre Dame, IN	Teaching	Transportation/meals and accommodations
2. Palm Beach Atlantic University	2/10-2/12/14	West Palm Beach, FL	Distinguished guest and meetings	Transportation/meals and accommodations
3. Vanderbilt Law School	3/17-3/19/14	Nashville, TN	Guest speaker and meetings	Transportation/meals and accommodations
4. University of Texas at Tyler	9/15-9/17/14	Tyler, TX	Seminar and meeting	Transportation/meals and accommodations
5. University of Georgia School of Law	9/21-9/28/14	Athens, GA	Teaching	Transportation/meals and accommodations

**FINANCIAL DISCLOSURE REPORT**  
Page 3 of 8

<b>Name of Person Reporting</b>  THOMAS, CLARENCE	<b>Date of Report</b>  05/15/2015
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6.	Yale Law School	10/24-10/26/14	New Haven, CT	Meetings and Award of Merit Ceremony	Transportation/meals and accommodations
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**FINANCIAL DISCLOSURE REPORT**

Page 4 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2015

**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Yale Law School Award of Merit	Stained glass medallion resting in an oak base with a brass plaque	\$530.00
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

# FINANCIAL DISCLOSURE REPORT

Page 5 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2015

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. 1/3 int. in rental property, Liberty Cty, GA		None	J	W					
2. MONY Whole Life Policy	A	Interest	L	T					
3. TD AmeriTrade, IRA	A	Dividend	J	T					
4. - TD AmeriTrade REIT									
5. - TD AmeriTrade Money Market Account									
6. SunAmerica Focused Alpha Growth CL A	A	Distribution	J	T					
7. ETFS Gold Trust		None	J	T					
8. Europacific Growth Fund	A	Dividend	K	T					
9. Capital World Growth & Income	A	Dividend	K	T					
10. Delaware Emerging Markets Equity	A	Dividend	K	T					
11. Franklin Gold & Precious Metals	A	Dividend	K	T					
12. Ivy Energy A		None	K	T					
13. Templeton China World	B	Dividend	K	T					
14. Wisdomtree Emerging Markets Equity	A	Dividend	J	T					
15. SPDR Gold Trust Gold Shares		None	J	T					
16. iShares Silver Trust		None	J	T					
17. Wisdomtree Trust Emerging Markets	B	Dividend	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

Page 6 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2015

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. Vanguard Short Term Corporate Bond ETF	A	Dividend	K	T					
19. Franklin Templeton Hard Currency		None	L	T					
20. Federated Fund Prime Cash Trust (X)	A	Dividend	J	T					
21. Ginger, LTD., Partnership	E	Rent	N	W					
22. Liberty Consulting, Inc.		None	J	T					
23. Fidelity 403(b) (Y)									
24. Geller & Company LLC, 403(b) & 401(k) (Y)									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

**FINANCIAL DISCLOSURE REPORT**

Page 7 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2015

**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*



# FINANCIAL DISCLOSURE REPORT

Page 8 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2015

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: S/ CLARENCE THOMAS

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document Q

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2022

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting (last name, first, middle initial)</b>  THOMAS, CLARENCE	<b>2. Court or Organization</b>  SUPREME COURT OF THE UNITED STATES	<b>3. Date of Report</b>  08/09/2023
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  ASSOCIATE JUSTICE	<b>5a. Report Type (check appropriate type)</b>  <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	<b>6. Reporting Period</b>  01/01/2022 to 12/31/2022
	<b>5b.</b> <input type="checkbox"/> Amended Report	
<b>7. Chambers or Office Address</b>  SUPREME COURT OF THE UNITED STATES 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543		
<p align="center"><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Honorary Member, Board of Directors	Horatio Alger Association
2.	
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

Page 2 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 12/20/2022	Antonin Scalia Law School at George Mason	\$12,000.00
2.		
3.		
4.		

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2022	Liberty Consulting, Inc. - salary and benefits
2.	
3.	
4.	

**IV. REIMBURSEMENTS** -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐NONE *(No reportable reimbursements.)*

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	Harlan Crow	2/3/2022 - 2/5/2022	Dallas, Texas	Keynote Speaker at American Enterprise Institute's Conference at Old Parkland	Transportation (only return flight) and meals. Flew private on return trip due to unexpected ice storm.
2.	Hatch Center	3/10/2022 - 3/12/2022	Salt Lake City, Utah	Featured Speaker	Transportation, meals, and lodging
3.	Harlan Crow	5/12/2022 - 5/14/2022	Dallas, Texas	Keynote Speaker at American Enterprise Institute's Conference at Old Parkland	Transportation and meals - See Part VIII.
4.	Harlan Crow	7/7/2022 - 7/13/2022	Keese Mill, NY	Guests of source	Transportation, meals and lodging - See Part VIII.

<b>Name of Person Reporting</b>  <b>THOMAS, CLARENCE</b>	<b>Date of Report</b>  08/09/2023
--	---

5. \_\_\_\_\_

# FINANCIAL DISCLOSURE REPORT

Page 4 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

## V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*



NONE *(No reportable gifts.)*

SOURCE

DESCRIPTION

VALUE

1.

2.

3.

4.

5.

## VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*



NONE *(No reportable liabilities.)*

CREDITOR

DESCRIPTION

VALUE CODE

1.

2.

3.

4.

5.

# FINANCIAL DISCLOSURE REPORT

Page 5 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. MONY Flexible Premium Adjustable Life n/k/a AXA Universal Life Policy	D	Dividend	M	T					
2. MONY Whole - n/k/a/ AXA Universal Life Policy	C	Dividend			Redeemed	10/19/22	M	F	
3. Equitable Variable Universal Life Policy Y									
4. -70% S&P 500 Index account	B	Dividend	L	T					
5. -30% Guaranteed account	A	Interest	K	T					
6. Wells Fargo IRA CD	A	Interest	J	T					
7. Ginger Holdings, LLC (formerly Ginger, LTD, Partnership)	F	Rent	O	W					
8. Congressional Federal Credit Union (Cash Accounts) Y	A	Interest	M	T					
9. Liberty Consulting, Inc.		None	J	U					
10. Vanguard IRA (H)									
11. -VANGUARD FEDERAL MONEY MARKET FUND	A	Dividend	J	T					
12. -VANGUARD EMERGING MARKETS STOCK INDEX ADMIRAL CL VEMAX	A	Dividend	K	T					
13. -VANGUARD 500 INDEX ADMIRAL CL VFIAX	B	Dividend	M	T	Sold (part)	02/18/22	M	D	
14. -VANGUARD HEALTHCARE INVESTOR CL (VGHCX)	B	Dividend	K	T					
15. -VANGUARD SMALL CAP VALUE INDEX ADMIRAL CL (VSIAX)	B	Dividend	L	T					
16. -VANGUARD TOTAL INTL STOCK INDEX ADMIRAL CL (VTIAX)	A	Dividend	K	T					
17. -VANGUARD VALUE INDEX ADMIRAL CL	B	Dividend	L	T	Sold (part)	02/18/22	L	D	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
18. -VANGUARD WELLINGTON ADMIRAL CL (VWENX) Y	B	Dividend	L	T	Buy	03/15/22	L		
19. -VANGUARD WELLESLEY INCOME ADMIRAL CL (VWIAX) Y	D	Dividend	M	T	Buy	02/18/22	M		
20. -MORGAN STANLEY BANK NA SLC, UT CD FDIC #32992 CPN 2.800% DUE 3/14/22	A	Interest			Redeemed	03/14/22	K	A	
21. -CENTERSTATE BANK WINTER HAVEN FL CD FDIC#33555 CPN 1.000% DUE 3/31/25	A	Interest	L	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A =\$1,000 or less

F =\$50,001 - \$100,000

J =\$15,000 or less

N =\$250,001 - \$500,000

P3 =\$25,000,001 - \$50,000,000

Q =Appraisal

U =Book Value

B =\$1,001 - \$2,500

G =\$100,001 - \$1,000,000

K =\$15,001 - \$50,000

O =\$500,001 - \$1,000,000

R =Cost (Real Estate Only)

V =Other

C =\$2,501 - \$5,000

H1 =\$1,000,001 - \$5,000,000

L =\$50,001 - \$100,000

P1 =\$1,000,001 - \$5,000,000

P4 =More than \$50,000,000

S =Assessment

W =Estimated

D =\$5,001 - \$15,000

H2 =More than \$5,000,000

M =\$100,001 - \$250,000

P2 =\$5,000,001 - \$25,000,000

T =Cash Market

E =\$15,001 - \$50,000



# FINANCIAL DISCLOSURE REPORT

Page 7 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

During the preparation and filing of this report, filer sought and received guidance from the Supreme Court's Legal Office, the Counselor to the Chief Justice, the staff of the Judicial Conference Financial Disclosure Committee ("Committee"), and personal counsel. Filer continues to work with Supreme Court officials and the Committee staff for guidance on whether he should further amend his reports from any prior years. Based on those discussions, the information below addresses the new travel disclosure requirements which began coverage with calendar year 2022, personal bank accounts and his spouse's life insurance that were inadvertently omitted from prior reports for the covered period 2017 thru 2021, mistaken name of spouse's family real estate holding, and a real estate transaction that predated the covered period.

### TRAVEL

As relates to the personal hospitality reporting exemption, filer has included all reportable travel on his Calendar Year 2022 Report, in accordance with the new rules that went into effect on March 14, 2023, as advised by the Supreme Court's Legal Office, the Counselor to the Chief Justice, the staff of the Judicial Conference Financial Disclosure Committee, and personal counsel.

On March 14, 2023, the Judicial Conference provided new guidance on the "personal hospitality" exemption to explicitly state for the first time that "transportation that substitutes for commercial transportation" will no longer be considered exempt from reporting under that provision. As a result, filer will report any such trips, beginning with this filing for calendar year 2022.

Prior to the March 14, 2023 guidance, filer adhered to the then existing judicial regulations as his colleagues had done, both in practice and in consultation with the Judicial Conference, that exempted disclosing trips that were provided pursuant to the "personal hospitality" exemption, as set forth in the statute and rules. As far back as the 1984 Judicial Conference guidance, under the section titled, "Gifts of transportation, lodging, food, or entertainment," filers were instructed to:

Exclude gifts received as the personal hospitality of any individual. The Act defines 'personal hospitality of any individual' as 'hospitality extended for a non-business purpose by an individual, not a corporation or an organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family.

Guide to Judiciary Policies and Procedures (1984) at 843-44.

The Judicial Conference, which is charged by the Ethics in Government Act, 5 U.S.C. app. §§ 13101-13111, with implementing this law for the judiciary, has provided written guidance through its regulations and advice interpreting the statute that such travel need not be reported. In fact, filer is not aware of anything in the Judicial Conference regulations issued for more than thirty years or in any advice provided by the Judicial Conference to judges that is inconsistent with this position.

For example, Judge Raymond Randolph, who served on the Judicial Conference Codes of Conduct Committee from 1992-98, including as chairman from 1995-98, received guidance in 2006 from Judicial Conference staff, as reflected in contemporaneous notes, that he did not have to report travel on a private jet and at a lodge based on the personal hospitality exemption. Filer was also so advised by Conference staff, and in conversations with court officers and colleagues early in his tenure on the Court.

In Part IV, Line 3: With advice of the Administrative Office, flights were reported as advised. Because of the increased security risk following the Dobbs opinion leak, the May flights were by private plane for official travel as filer's security detail recommended noncommercial travel whenever possible.

In Part IV, Line 4: Flights to and from Adirondacks by private plane and lodging, food, and entertainment at the Adirondacks property, were reportable under and in compliance with the new guidance and, according to advice from the staff of the Judicial Conference Financial Disclosure Committee (July 10), to be listed under "reimbursements" not "gifts." This is consistent with previous filings by other filers.

### BANK ACCOUNTS, SPOUSE'S LIFE INSURANCE, & FAMILY REAL ESTATE HOLDING

2022: Part VII, Line 3: Life insurance policy, owned by spouse, was inadvertently omitted from prior reports during the covered period. Part VII, Line 7: On or around February 17, 2006, Ginger LTD, Partnership changed its legal name to its present name of Ginger Holdings LLC. The name change was in conjunction with a conversion to an LLC from a limited partnership as permitted under Nebraska state law. Due to the similarity in names, filer inadvertently carried the old name on prior reports during the covered period. Part VII, Line 8: Personal bank accounts at Congressional Federal Credit Union were inadvertently omitted in prior years due to a misinterpretation of the rules. Filer believed that personal bank accounts were exempt from reporting disclosure.

Filer discloses the following assets that were inadvertently omitted from his reports during the covered period 2017 thru 2021:

2021: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$55,000 and earned less than \$200 in interest. Life insurance policy of spouse held through Equitable was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$5,000 or less in income.

2020: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$110,000 and earned less than \$400 in interest. Life insurance policy of spouse held through Equitable was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income.

# FINANCIAL DISCLOSURE REPORT

Page 8 of 9

Name of Person Reporting	Date of Report
THOMAS, CLARENCE	08/09/2023

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

2019: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$50,000 and earned less than \$400 in interest. Life insurance policy of spouse held through Equitable was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income. The policy at Equitable had previously been held at MONY Life Insurance Company of America but was terminated on or around December 16, 2019, and rolled over into Equitable in a tax-free exchange under Internal Revenue Code §1035. Prior to the rollover, the MONY Life Insurance Company of America life insurance policy had a cash value of under \$100,000 and earned \$2,500 or less in income.

2018: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$70,000 and earned less than \$300 in interest. Life insurance policy of spouse held through MONY Life Insurance Company of America was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income.

2017: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$10,000 and earned less than \$300 in interest. Life insurance policy of spouse held through MONY Life Insurance Company of America was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income.

### SAVANNAH REAL ESTATE TRANSACTION

Although outside the covered period, filer provides the following supplemental information regarding the 2014 disposition of certain real estate interests he held with members of his family in Savannah, Georgia. In 1984, filer inherited a 1/3 interest in three properties: his mother's residence and two additional houses on the same street.

In 2014, Mr. Harlan Crow, a longtime friend of filer and his wife, bought all three properties for \$133,000, along with other houses/lots on the same street. Filer and his wife had put between \$50,000 to \$75,000 into his mother's home in capital improvements over the years, and therefore, the transaction amounted to a capital loss.

Filer had previously reported his interest in two of the Savannah properties (excluding his mother's residence) in the years when they generated rental income.

Once these properties no longer generated any rental income, filer was advised by Committee staff to remove the two properties from his disclosure forms. However, filer inadvertently failed to realize that the "sales transaction" for the final disposition of the three properties triggered a new reportable transaction in 2014, even though this sale resulted in a capital loss.

# FINANCIAL DISCLOSURE REPORT

Page 9 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ CLARENCE THOMAS**

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document R

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2019

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

<b>1. Person Reporting (last name, first, middle initial)</b>  THOMAS, CLARENCE	<b>2. Court or Organization</b>  SUPREME COURT OF THE UNITED STATES	<b>3. Date of Report</b>  05/14/2020
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  ASSOCIATE JUSTICE	<b>5a. Report Type (check appropriate type)</b> <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2019 to 12/31/2019
<b>7. Chambers or Office Address</b>  SUPREME COURT OF THE UNITED STATES 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543		
<p align="center"><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</p>		

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions )

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Board of Directors	Horatio Alger Association
2.	
3.	
4.	
5.	

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions )

☒ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1.	
2.	
3.	

# FINANCIAL DISCLOSURE REPORT

Page 2 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/14/2020

## III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions)*

### A. Filer's Non-Investment Income

☐

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 1/17/2019	Scalia Law School - teaching	\$12,000.00
2. 1/28/2019	Creighton Law School - teaching	\$15,000.00
3. 8/29/2019	George Washington University School of Law - teaching	\$1,440.00
4.		

### B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

*(Dollar amount not required except for honoraria.)*

☐

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2019	Liberty Consulting, Inc. - salary and benefits
2.	
3.	
4.	

## IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*

☐

NONE *(No reportable reimbursements.)*

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	Creighton Law School	1/28/2019 - 2/1/2019	Omaha, NE	Teaching	Transportation, meals, and lodging
2.	Mercer Law School	3/11/2019 - 3/12/2019	Macon, GA	Teaching	Transportation, meals, and lodging
3.	Pepperdine Caruso School of Law	3/29/2019 - 3/30/2019	Malibu, CA	Speaking	Transportation, meals, and lodging
4.	Hillsdale College	10/2/2019 - 10/3/2019	Hillsdale, MI	Speaking	Transportation, meals, and lodging
5.	Yale Law School	10/20/2019 - 10/26/2019	New Haven, CT	Speaking	Transportation, meals, and lodging

# FINANCIAL DISCLOSURE REPORT

Page 3 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/14/2020

## V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*



NONE *(No reportable gifts.)*

SOURCE

DESCRIPTION

VALUE

1.

2.

3.

4.

5.

## VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*



NONE *(No reportable liabilities.)*

CREDITOR

DESCRIPTION

VALUE CODE

1.

2.

3.

4.

5.

# FINANCIAL DISCLOSURE REPORT

Page 4 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/14/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e g , div , rent, or int )	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. MONY Flexible Premium Adjustable Life n/k/a AXA Universal Life Policy	B	Dividend	L	T					
2. MONY Whole - n/k/a AXA Universal Life Policy	C	Dividend	M	T					
3. TD AmeriTrade, IRA (H)									
4. - TD AmeriTrade REIT	A	Dividend			Sold	05/14/19	J		
5. - TD AmeriTrade Money Market Account	A	Interest			Sold	05/14/19	J		
6. Wells Fargo CD	A	Interest	J	T					
7. Ginger, LTD., Partnership	D	Rent	N	W					
8.									
9. Liberty Consulting, Inc.		None	M	U					
10. Vanguard IRA (H)									
11. - VANGUARD FEDERAL MONEY MARKET FUND	A	Dividend	L	T					
12. - VANGUARD EMERGING MARKETS STOCK INDEX ADMIRAL CL VEMAX	A	Dividend	J	T					
13. - VANGUARD 500 INDEX ADMIRAL CL VFIAX	C	Dividend	M	T					
14. - VANGUARD SMALL CAP VALUE INDEX ADMIRAL CL (VSIAX)	B	Dividend	L	T					
15. - VANGUARD TOT AL INTL STOCK INDEX ADMIRAL CL (VTIAX)	A	Dividend	J	T					
16. - VANGUARD VALUE INDEX ADMIRAL CL	B	Dividend	L	T					

1 Income Gain Codes: (See Columns B1 and D4)	A =\$1,000 or less F =\$50,001 - \$100,000	B =\$1,001 - \$2,500 G =\$100,001 - \$1,000,000	C =\$2,501 - \$5,000 H1 =\$1,000,001 - \$5,000,000	D =\$5,001 - \$15,000 H2 =More than \$5,000,000	E =\$15,001 - \$50,000
2 Value Codes (See Columns C1 and D3)	J =\$15,000 or less N =\$250,001 - \$500,000 P3 =\$25,000,001 - \$50,000,000	K =\$15,001 - \$50,000 O =\$500,001 - \$1,000,000	L =\$50,001 - \$100,000 P1 =\$1,000,001 - \$5,000,000 P4 =More than \$50,000,000	M =\$100,001 - \$250,000 P2 =\$5,000,001 - \$25,000,000	
3 Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	



# FINANCIAL DISCLOSURE REPORT

Page 5 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/14/2020

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e g , div , rent, or int )	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
17. - GOLDMAN SACHS BANK USA NEW YORK NY CD FDIC #33124 IAM CPN 2.000% DUE	B	Interest			Redeemed	03/07/19	K		
18. -SAFRA NATL BANK OF NY NEW YORK NY CD FDIC #26876 IAM INSTL CPN 2.500	B	Interest	L	T	Buy	03/20/19	K		
19. - MORGAN STANLEY BANK NA SLC, UT CD FDIC #32992 CPN 2.800% DUE 3/14/22	B	Interest	L	T	Buy	03/14/19	K		
20. - WELLS FARGO BANK NA SIOUX FALLS SD CD CPN 2.200% DUE 09/16	B	Interest			Redeemed	09/16/19	K		
21.									
22.									
23.									
24.									
25.									
26.									
27.									
28.									
29.									
30.									
31.									
32.									

1 Income Gain Codes:	A =\$1,000 or less	B =\$1,001 - \$2,500	C =\$2,501 - \$5,000	D =\$5,001 - \$15,000	E =\$15,001 - \$50,000
(See Columns B1 and D4)	F =\$50,001 - \$100,000	G =\$100,001 - \$1,000,000	H1 =\$1,000,001 - \$5,000,000	H2 =More than \$5,000,000	
2 Value Codes	J =\$15,000 or less	K =\$15,001 - \$50,000	L =\$50,001 - \$100,000	M =\$100,001 - \$250,000	
(See Columns C1 and D3)	N =\$250,001 - \$500,000	O =\$500,001 - \$1,000,000	P1 =\$1,000,001 - \$5,000,000	P2 =\$5,000,001 - \$25,000,000	
	P3 =\$25,000,001 - \$50,000,000		P4 =More than \$50,000,000		
3 Value Method Codes	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
(See Column C2)	U =Book Value	V =Other	W =Estimated		

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e g , div , rent, or int )	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
33.									
34.									
35.									
36.									
37.									
38.									
39.									
40.									

1 Income Gain Codes:

(See Columns B1 and D4)

2 Value Codes

(See Columns C1 and D3)

3 Value Method Codes

(See Column C2)

A =\$1,000 or less

F =\$50,001 - \$100,000

J =\$15,000 or less

N =\$250,001 - \$500,000

P3 =\$25,000,001 - \$50,000,000

Q =Appraisal

U =Book Value

B =\$1,001 - \$2,500

G =\$100,001 - \$1,000,000

K =\$15,001 - \$50,000

O =\$500,001 - \$1,000,000

R =Cost (Real Estate Only)

V =Other

C =\$2,501 - \$5,000

H1 =\$1,000,001 - \$5,000,000

L =\$50,001 - \$100,000

P1 =\$1,000,001 - \$5,000,000

P4 =More than \$50,000,000

S =Assessment

W =Estimated

D =\$5,001 - \$15,000

H2 =More than \$5,000,000

M =\$100,001 - \$250,000

P2 =\$5,000,001 - \$25,000,000

T =Cash Market

E =\$15,001 - \$50,000

# FINANCIAL DISCLOSURE REPORT

Page 7 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/14/2020

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

Part VII, line 1. An amendment to the calendar year 2018 report has been filed to reflect that the asset listed on Part VII, line 1 was held for the full calendar year in 2018, not just part of the year, as was originally reported. The asset continues to be listed on Part VII, line 1 of this calendar year 2019 report.

# FINANCIAL DISCLOSURE REPORT

Page 8 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/14/2020

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **S/ CLARENCE THOMAS**

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Key Document S

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2023

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 13101-13111)

<b>1. Person Reporting (last name, first, middle initial)</b>  THOMAS, CLARENCE	<b>2. Court or Organization</b>  SUPREME COURT OF THE UNITED STATES	<b>3. Date of Report</b>  05/15/2024
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  ASSOCIATE JUSTICE	<b>5a. Report Type (check appropriate type)</b>  <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	<b>6. Reporting Period</b>  01/01/2023 to 12/31/2023
	<b>5b.</b> <input type="checkbox"/> Amended Report	
<b>7. Chambers or Office Address</b>  SUPREME COURT OF THE UNITED STATES 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543		
<b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

**I. POSITIONS.** (Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 345 Trustees, Executors, Administrators, and Custodians; § 350 Power of Attorney; § 355 Outside Positions.)

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Honorary Member, Board of Directors	Horatio Alger Association
2.	
3.	
4.	
5.	

**II. AGREEMENTS.** (Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 340 Agreements and Arrangements.)

☒ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 7

Name of Person Reporting	Date of Report
THOMAS, CLARENCE	05/15/2024

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 320 Income; § 360 Spouses and Dependent Children.)

A. Filer's Non-Investment Income

☒ NONE (No reportable non-investment income.)

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)

☐ NONE (No reportable non-investment income.)

DATE	SOURCE
1. 2023	Liberty Consulting, Inc. - salary and benefits
2.	
3.	
4.	

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)

☒ NONE (No reportable reimbursements.)

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.				
2.				
3.				
4.				
5.				

Name of Person Reporting	Date of Report
THOMAS, CLARENCE	05/15/2024

V. GIFTS. (Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)

☐ NONE (No reportable gifts.)

SOURCE	DESCRIPTION	VALUE
1. Terrence and Barbara Giroux	Two photo albums	\$2,000.00
2.		
3.		
4.		
5.		

VI. LIABILITIES. (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 335 Liabilities; § 360 Spouses and Dependent Children.)

☒ NONE (No reportable liabilities.)

CREDITOR	DESCRIPTION	VALUE CODE
1.		
2.		
3.		
4.		
5.		



VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
1. MONY Flexible Premium Adjustable Life n/k/a AXA Universal Life Policy	C	Dividend	M	T					
2. Equitable Variable Universal Life Policy (H)									
3. S&P 500 Index account	C	Dividend	L	T					
4. Guaranteed account	A	Interest	K	T					
5. Wells Fargo IRA CD	A	Interest	J	T					
6. Ginger Holdings, LLC, Douglas County, NE	F	Rent	O	W					
7. Congressional Federal Credit Union (Cash Accounts)	A	Interest	N	T					
8. Liberty Consulting, Inc.		None	K	U					
9. Vanguard IRA (H)									
10. -VANGUARD FEDERAL MONEY MARKET FUND	B	Dividend	L	T	Buy	03/06/23	K		
11. -VANGUARD EMERGING MARKETS STOCK INDEX ADMIRAL CL (VEMAX)	A	Dividend	K	T					
12. -VANGUARD 500 INDEX ADMIRAL CL (VFIAX)	B	Dividend	M	T	Sold (part)	09/06/23	K	D	
13. -VANGUARD HEALTHCARE INVESTOR CL (VGHCX)	A	Dividend	K	T					
14. -VANGUARD SMALL CAP VALUE INDEX ADMIRAL CL (VSIAX)	B	Dividend	L	T	Sold (part)	09/06/23	K	D	
15. -VANGUARD TOTAL INTL STOCK INDEX ADMIRAL CL (VTIAX)	A	Dividend	K	T					
16. -VANGUARD VALUE INDEX ADMIRAL CL (VVIAX)	B	Dividend	L	T					
17. -VANGUARD WELLINGTON ADMIRAL CL (VWENX)	B	Dividend	L	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A =\$1,000 or less

F =\$50,001 - \$100,000

J =\$15,000 or less

N =\$250,001 - \$500,000

P3 =\$25,000,001 - \$50,000,000

Q =Appraisal

U =Book Value

B =\$1,001 - \$2,500

G =\$100,001 - \$1,000,000

K =\$15,001 - \$50,000

O =\$500,001 - \$1,000,000

R =Cost (Real Estate Only)

V =Other

C =\$2,501 - \$5,000

H1 =\$1,000,001 - \$5,000,000

L =\$50,001 - \$100,000

P1 =\$1,000,001 - \$5,000,000

P4 =More than \$50,000,000

S =Assessment

W =Estimated

D =\$5,001 - \$15,000

H2 =More than \$5,000,000

M =\$100,001 - \$250,000

P2 =\$5,000,001 - \$25,000,000

T =Cash Market

E =\$15,001 - \$50,000

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
18. -VANGUARD WELLESLEY INCOME ADMIRAL CL (VWIAX)	D	Dividend			Sold	09/06/23	M	A	
19. -CENTERSTATE BANK WINTER HAVEN FL CD FDIC#33555 CPN 1.000% DUE 3/31/25	A	Interest	L	T					
20. US TREASURY NOTE CPN 1.5% DUE 9/30/24 Y	A	Interest	L	T	Buy	09/06/23	K		
21. US TREASURY NOTE CPN 3.125% DUE 8/15/25 Y	B	Interest	L	T	Buy	09/06/23	L		
22. US TREASURY NOTE INFL INDX NOTE CPN 1.25% DTD 4/15/23 FC 10/15/23 Y	A	Interest	K	T	Buy	09/06/23	L		

1. Income Gain Codes:	A =\$1,000 or less	B =\$1,001 - \$2,500	C =\$2,501 - \$5,000	D =\$5,001 - \$15,000	E =\$15,001 - \$50,000
(See Columns B1 and D4)	F =\$50,001 - \$100,000	G =\$100,001 - \$1,000,000	H1 =\$1,000,001 - \$5,000,000	H2 =More than \$5,000,000	
2. Value Codes	J =\$15,000 or less	K =\$15,001 - \$50,000	L =\$50,001 - \$100,000	M =\$100,001 - \$250,000	
(See Columns C1 and D3)	N =\$250,001 - \$500,000	O =\$500,001 - \$1,000,000	P1 =\$1,000,001 - \$5,000,000	P2 =\$5,000,001 - \$25,000,000	
	P3 =\$25,000,001 - \$50,000,000		P4 =More than \$50,000,000		
3. Value Method Codes	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
(See Column C2)	U =Book Value	V =Other	W =Estimated		

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2024

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

During the preparation and filing of this report, filer sought and received guidance from his accountant and ethics counsel.

Consistent with the review of prior filings that the filer began last year, report for calendar year 2019 is hereby amended to include the following entries under the reimbursement section, which was inadvertently omitted at the time of filing:

Source: Harlan & Kathy Crow Dates: July 12, 2019 Location: Bali, Indonesia Purpose: Guests of Source Items Paid or Provided: Food and Lodging at Hotel

Source: Harlan Crow Dates: July 18-21, 2019 Location: Monte Rio, CA Purpose: Guest of Source Items Paid or Provided: Food and Lodging at Private Club

Part VII, lines 3 and 4 - Asset description changed to reflect the allocation during the covered period as detailed by the insurance agent.

# FINANCIAL DISCLOSURE REPORT

Page 7 of 7

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2024

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 13141 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ CLARENCE THOMAS**

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 13106)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite G-330  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# Appendix K

## Justice Scalia Gifts of Luxury Travel in 2015 and 2016

### 2015

- In November 2015, Justice Scalia was hosted by Richard Zuschlag, the CEO of a medical transportation company operating in Louisiana, Mississippi, and Texas, at his hunting lodge, Grand View Lodge, in Cameron Parish, Louisiana.<sup>1</sup> Justice Scalia and Zuschlag had met “weeks” before this trip.<sup>2</sup> This trip included meals that were prepared by an internationally-renowned chef and at least fourteen other guests, including former Vice President Cheney, former Secretary of State James Baker III, and former Mississippi Governor and RNC Chairman Haley Barbour.<sup>3</sup>
- In 2015, Justice Scalia traveled to Six Shooter, a private hunting lodge in southern Mississippi.<sup>4</sup> Justice Scalia hunted with Phil Bryant, then-Governor of Mississippi.<sup>5</sup> Governor Bryant “came into the opportunity of going on hunts” with Justice Scalia when he took office in 2012.<sup>6</sup> Governor Bryant also reported that Justice Scalia had stayed at the Governor’s Mansion.<sup>7</sup>

### 2016

- In February 2016, Justice Scalia passed away on his final hunting trip, the total cost of which would have been roughly \$10,000 for him and a guest.<sup>8</sup> Hosted by owner John B. Pointdexter, a predominant businessman and political donor, Justice Scalia traveled to Cibolo Creek resort, which spans 30,000 acres in West Texas,<sup>9</sup> by private jet chartered by C. Allen Foster.<sup>10</sup> Notably, just a few months before this trip, in *Hinga v. MIC Grp. LLC*, 577 U.S. 875 (2015), the Supreme Court denied a petition for certiorari in an age discrimination lawsuit filed against a company owned by Mr. Pointdexter, the MIC

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<sup>1</sup> Stephen R. Bruce, “Any Good Hunting?”: *When a Justice’s Impartiality Might Reasonably Be Questioned*, SSRN 10 (Oct. 5, 2016), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2782170](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2782170).

<sup>2</sup> *Id.* at 14–15. Zuschlag has publicly discussed the benefits he derives from hosting prominent individuals at his hunting camp, such as a 2011 interview where he claimed he was “going to write a book about how a hunting camp helped take a two-ambulance company to a \$400-million-a-year business.” *Id.* at 27. Boysie Bollinger, owner of Bollinger Shipyards, was also on this trip. *Id.* at 16. Notably, at the same time of the hunting trip, the government was pursuing *United States v. Bollinger Shipyards, Inc.*, 775 F.3d (5<sup>th</sup> Cir. 2014), a False Claims Act case against Bollinger’s company based on its multi-billion-dollar contract with the Coast Guard. *See id.* at 26–27.

<sup>3</sup> *Id.* at 14–15, 26.

<sup>4</sup> *Id.* at 23.

<sup>5</sup> *Id.* at 24.

<sup>6</sup> *Id.* at 23–24.

<sup>7</sup> *Id.* at 24. Similar to Justice Scalia, both Governors Barbour and Bryant were opposed to the Affordable Care Act (ACA), as reflected in Mississippi refusing Medicaid expansion and “clos[ing] down a State-run exchange.” *Id.* In 2010, Mississippi joined eighteen other states in challenging the ACA in *Florida v. Department of Health and Human Services*, which was later consolidated with *Nat’l Federation of Independent Businesses v. Sebelius*, 567 U.S. 519 (2012). *Id.* Siding with the states challenging the ACA, Justice Scalia dissented in the 2012 *Sebelius* decision. *Id.* In the June 2015 decision in *King v. Burwell*, 576 U.S. 473 (2015), another challenge to the ACA exchange provisions, Justice Scalia again dissented. *Id.* Similarly, Governor Bryant also referred to the ACA as “a socialist takeover of health care forced down the throats of the American people” and criticized the majority of the Supreme Court for finding “yet another way to uphold a portion of this disastrous law.” *Id.*

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.* at 15.

<sup>10</sup> *Id.* at 17.

Group.<sup>11</sup> Mr. Foster is a D.C. lawyer who previously worked at the same law firm as Justice Scalia's son, Greenberg Traurig.<sup>12</sup> Foster, who also owns Mazatlan Duck & Hunting Club in Mexico, has indicated he and Justice Scalia hunted together frequently.<sup>13</sup> While on this trip, Justice Scalia stayed in the "El Presidente" suite, whose \$800 a night cost did not include the extra costs for the hunting excursions that were priced based on the type of animal that was hunted.<sup>14</sup>

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<sup>11</sup> See Eric Lipton, *Scalia Took Dozens of Trips Funded by Private Sponsors*, N.Y. TIMES (Feb. 26, 2016), <https://www.nytimes.com/2016/02/27/us/politics/scalia-led-court-in-taking-trips-funded-by-private-sponsors.html>; see also Gabe Roth, *Justice Disclosure Rules Are a Good Start, But It's a Low Bar*, BLOOMBERG LAW (Mar. 30, 2023), <https://news.bloomberglaw.com/us-law-week/justice-disclosure-rules-are-a-good-start-but-its-a-low-bar/>.

<sup>12</sup> Bruce, *supra* note 1, at 17–18. While at Greenberg Traurig, Foster led the litigation and appeals department that handled the Dade County, Florida *Bush v. Gore* voting and recount litigation. *Id.* at 18. Prior to that, Foster was a partner at Patton Boggs & Blow, where he was involved in Florida and North Carolina redistricting cases. *Id.*

<sup>13</sup> *Id.* at 36.

<sup>14</sup> *Id.* at 17.